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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **813**

01/25/2023 Authored by Hicks, Bahner, Curran, Pelowski, Zeleznikar and others  
The bill was read for the first time and referred to the Committee on Human Services Policy  
02/09/2023 Adoption of Report: Re-referred to the Committee on Human Services Finance  
02/27/2023 Adoption of Report: Amended and re-referred to the Committee on Workforce Development Finance and Policy

1.1 A bill for an act  
1.2 relating to human services; establishing home and community-based workforce  
1.3 incentive fund grants; establishing an awareness-building campaign for the  
1.4 recruitment of direct care professionals; appropriating money.

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

1.6 Section 1. **HOME AND COMMUNITY-BASED WORKFORCE INCENTIVE FUND**  
1.7 **GRANTS.**

1.8 Subdivision 1. Grant program established. The commissioner of human services shall  
1.9 establish grants for disability and home and community-based providers to assist with  
1.10 recruiting and retaining direct support and frontline workers.

1.11 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
1.12 meanings given.

1.13 (b) "Commissioner" means the commissioner of human services.

1.14 (c) "Eligible employer" means an organization enrolled in a Minnesota health care  
1.15 program or providing housing services and is:

1.16 (1) a provider of home and community-based services under Minnesota Statutes, chapter  
1.17 245D; or

1.18 (2) a facility certified as an intermediate care facility for persons with developmental  
1.19 disabilities.

1.20 (d) "Eligible worker" means a worker who earns \$30 per hour or less and is currently  
1.21 employed or recruited to be employed by an eligible employer.

2.1 Subd. 3. **Allowable uses of grant funds.** (a) Grantees must use grant funds to provide  
2.2 payments to eligible workers for the following purposes:

2.3 (1) retention, recruitment, and incentive payments;

2.4 (2) postsecondary loan and tuition payments;

2.5 (3) child care costs;

2.6 (4) transportation-related costs; and

2.7 (5) other costs associated with retaining and recruiting workers, as approved by the  
2.8 commissioner.

2.9 (b) Eligible workers may receive payments up to \$1,000 per year from the home and  
2.10 community-based workforce incentive fund.

2.11 (c) The commissioner must develop a grant cycle distribution plan that allows for  
2.12 equitable distribution of funding among eligible employers. The commissioner's  
2.13 determination of the grant awards and amounts is final and is not subject to appeal.

2.14 Subd. 4. **Attestation.** As a condition of obtaining grant payments under this section, an  
2.15 eligible employer must attest and agree to the following:

2.16 (1) the employer is an eligible employer;

2.17 (2) the total number of eligible employees;

2.18 (3) the employer will distribute the entire value of the grant to eligible workers, as  
2.19 allowed under this section;

2.20 (4) the employer will create and maintain records under subdivision 6;

2.21 (5) the employer will not use the money appropriated under this section for any purpose  
2.22 other than the purposes permitted under this section; and

2.23 (6) the entire value of any grant amounts will be distributed to eligible workers identified  
2.24 by the employer.

2.25 Subd. 5. **Distribution plan; report.** (a) A provider agency or individual provider that  
2.26 receives a grant under subdivision 4 shall prepare, and upon request submit to the  
2.27 commissioner, a distribution plan that specifies the amount of money the provider expects  
2.28 to receive and how that money will be distributed for recruitment and retention purposes  
2.29 for eligible employees. Within 60 days of receiving the grant, the provider must post the  
2.30 distribution plan and leave it posted for a period of at least six months in an area of the  
2.31 provider's operation to which all direct support professionals have access.

3.1 (b) Within 12 months of receiving a grant under this section, each provider agency or  
3.2 individual provider that receives a grant under subdivision 4 shall submit a report to the  
3.3 commissioner that includes the following information:

3.4 (1) a description of how grant funds were distributed to eligible employees; and

3.5 (2) the total dollar amount distributed.

3.6 (c) Failure to submit the report under paragraph (b) may result in recoupment of grant  
3.7 funds.

3.8 Subd. 6. **Audits and recoupment.** (a) The commissioner may perform an audit under  
3.9 this section up to six years after a grant is awarded to ensure:

3.10 (1) the grantee used the money solely for allowable purposes under subdivision 3;

3.11 (2) the grantee was truthful when making attestations under subdivision 4; and

3.12 (3) the grantee complied with the conditions of receiving a grant under this section.

3.13 (b) If the commissioner determines that a grantee used grant funds for purposes not  
3.14 authorized under this section, the commissioner must treat any amount used for a purpose  
3.15 not authorized under this section as an overpayment. The commissioner must recover any  
3.16 overpayment.

3.17 Subd. 7. **Grants not to be considered income.** (a) For the purposes of this subdivision,  
3.18 "subtraction" has the meaning given in Minnesota Statutes, section 290.0132, subdivision  
3.19 1, paragraph (a), and the rules in that subdivision apply to this subdivision. The definitions  
3.20 in Minnesota Statutes, section 290.01, apply to this subdivision.

3.21 (b) The amount of a grant award received under this section is a subtraction.

3.22 (c) Grant awards under this section are excluded from income, as defined in Minnesota  
3.23 Statutes, sections 290.0674, subdivision 2a, and 290A.03, subdivision 3.

3.24 (d) Notwithstanding any law to the contrary, grant awards under this section must not  
3.25 be considered income, assets, or personal property for purposes of determining eligibility  
3.26 or recertifying eligibility for:

3.27 (1) child care assistance programs under Minnesota Statutes, chapter 119B;

3.28 (2) general assistance, Minnesota supplemental aid, and food support under Minnesota  
3.29 Statutes, chapter 256D;

3.30 (3) housing support under Minnesota Statutes, chapter 256I;

4.1 (4) the Minnesota family investment program and diversionary work program under  
4.2 Minnesota Statutes, chapter 256J; and

4.3 (5) economic assistance programs under Minnesota Statutes, chapter 256P.

4.4 (e) The commissioner must not consider grant awards under this section as income or  
4.5 assets under Minnesota Statutes, section 256B.056, subdivision 1a, paragraph (a), 3, or 3c,  
4.6 or for persons with eligibility determined under Minnesota Statutes, section 256B.057,  
4.7 subdivision 3, 3a, or 3b.

4.8 Subd. 8. **Appropriation.** \$43,000,000 in fiscal year 2024 is appropriated from the general  
4.9 fund to the commissioner of human services for the home and community-based workforce  
4.10 incentive fund grants under this section. This is a onetime appropriation. Any unexpended  
4.11 balance in the first year does not cancel and is available in the second year of the biennium.

4.12 Sec. 2. **AWARENESS-BUILDING CAMPAIGN FOR THE RECRUITMENT OF**  
4.13 **DIRECT CARE PROFESSIONALS.**

4.14 Subdivision 1. **Grant program established.** The commissioner of employment and  
4.15 economic development shall develop and implement paid advertising as part of a  
4.16 comprehensive awareness-building campaign aimed at recruiting direct care professionals  
4.17 to provide long-term care services.

4.18 Subd. 2. **Definition.** For purposes of this section, "direct care professionals" means  
4.19 long-term care services employees who provide direct support or care to people using aging,  
4.20 disability, or behavioral health services.

4.21 Subd. 3. **Request for proposals; allowable uses of grant funds.** (a) The commissioner  
4.22 shall publish a request for proposals to select an outside vendor or vendors to conduct the  
4.23 awareness-building campaign for the recruitment of direct care professionals.

4.24 (b) Grant funds received under this section may be used for the following:

4.25 (1) development of recruitment materials for the direct care workforce to be featured  
4.26 on:

4.27 (i) television;

4.28 (ii) streaming services;

4.29 (iii) radio;

4.30 (iv) social media;

4.31 (v) billboards; and

5.1 (vi) other print materials;

5.2 (2) development of materials and strategies to highlight and promote the positive aspects  
5.3 of the direct care workforce;

5.4 (3) to purchase media time or space to feature recruitment materials for the direct care  
5.5 workforce; and

5.6 (4) the administrative costs necessary to implement this grant program.

5.7 The Department of Employment and Economic Development may collaborate with relevant  
5.8 state agencies for the purposes of the development and implementation of this campaign  
5.9 and is authorized to transfer administrative funding to such agencies to cover any associated  
5.10 administrative costs.

5.11 Subd. 4. **Appropriation.** \$4,000,000 in fiscal year 2024 is appropriated from the general  
5.12 fund to the commissioner of employment and economic development to develop and  
5.13 implement an awareness-building campaign for the recruitment of direct care professionals.  
5.14 This is a onetime appropriation. Any unexpended balance in the first year of the biennium  
5.15 does not cancel and is available in the second year of the biennium.