

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1685

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to human services; establishing a certified nursing assistant kickstarter
1.3 program; appropriating money; amending Minnesota Statutes 2018, sections
1.4 256R.02, subdivision 19; 256R.25; proposing coding for new law in Minnesota
1.5 Statutes, chapter 256R.

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

1.7 Section 1. Minnesota Statutes 2018, section 256R.02, subdivision 19, is amended to read:

1.8 Subd. 19. **External fixed costs.** "External fixed costs" means costs related to the nursing
1.9 home surcharge under section 256.9657, subdivision 1; licensure fees under section 144.122;
1.10 family advisory council fee under section 144A.33; scholarships under section 256R.37;
1.11 the certified nursing assistant kickstarter program under section 256R.375; planned closure
1.12 rate adjustments under section 256R.40; consolidation rate adjustments under section
1.13 144A.071, subdivisions 4c, paragraph (a), clauses (5) and (6), and 4d; single-bed room
1.14 incentives under section 256R.41; property taxes, assessments, and payments in lieu of
1.15 taxes; employer health insurance costs; quality improvement incentive payment rate
1.16 adjustments under section 256R.39; performance-based incentive payments under section
1.17 256R.38; special dietary needs under section 256R.51; rate adjustments for
1.18 compensation-related costs for minimum wage changes under section 256R.49 provided
1.19 on or after January 1, 2018; and Public Employees Retirement Association employer costs.

1.20 Sec. 2. Minnesota Statutes 2018, section 256R.25, is amended to read:

1.21 **256R.25 EXTERNAL FIXED COSTS PAYMENT RATE.**

1.22 (a) The payment rate for external fixed costs is the sum of the amounts in paragraphs
1.23 (b) to ~~(n)~~ (o).

2.1 (b) For a facility licensed as a nursing home, the portion related to the provider surcharge
2.2 under section 256.9657 is equal to \$8.86 per resident day. For a facility licensed as both a
2.3 nursing home and a boarding care home, the portion related to the provider surcharge under
2.4 section 256.9657 is equal to \$8.86 per resident day multiplied by the result of its number
2.5 of nursing home beds divided by its total number of licensed beds.

2.6 (c) The portion related to the licensure fee under section 144.122, paragraph (d), is the
2.7 amount of the fee divided by the sum of the facility's resident days.

2.8 (d) The portion related to development and education of resident and family advisory
2.9 councils under section 144A.33 is \$5 per resident day divided by 365.

2.10 (e) The portion related to scholarships is determined under section 256R.37.

2.11 (f) The portion related to the certified nursing assistant kickstarter program is determined
2.12 under section 256R.375.

2.13 ~~(g)~~ (g) The portion related to planned closure rate adjustments is as determined under
2.14 section 256R.40, subdivision 5, and Minnesota Statutes 2010, section 256B.436.

2.15 ~~(g)~~ (h) The portion related to consolidation rate adjustments shall be as determined under
2.16 section 144A.071, subdivisions 4c, paragraph (a), clauses (5) and (6), and 4d.

2.17 ~~(h)~~ (i) The portion related to single-bed room incentives is as determined under section
2.18 256R.41.

2.19 ~~(i)~~ (j) The portions related to real estate taxes, special assessments, and payments made
2.20 in lieu of real estate taxes directly identified or allocated to the nursing facility are the actual
2.21 amounts divided by the sum of the facility's resident days. Allowable costs under this
2.22 paragraph for payments made by a nonprofit nursing facility that are in lieu of real estate
2.23 taxes shall not exceed the amount which the nursing facility would have paid to a city or
2.24 township and county for fire, police, sanitation services, and road maintenance costs had
2.25 real estate taxes been levied on that property for those purposes.

2.26 ~~(j)~~ (k) The portion related to employer health insurance costs is the allowable costs
2.27 divided by the sum of the facility's resident days.

2.28 ~~(k)~~ (l) The portion related to the Public Employees Retirement Association is actual
2.29 costs divided by the sum of the facility's resident days.

2.30 ~~(l)~~ (m) The portion related to quality improvement incentive payment rate adjustments
2.31 is the amount determined under section 256R.39.

3.1 ~~(m)~~ (n) The portion related to performance-based incentive payments is the amount
 3.2 determined under section 256R.38.

3.3 ~~(n)~~ (o) The portion related to special dietary needs is the amount determined under
 3.4 section 256R.51.

3.5 Sec. 3. **[256R.375] CERTIFIED NURSING ASSISTANT KICKSTARTER**
 3.6 **PROGRAM.**

3.7 Subdivision 1. **Establishment.** The commissioner shall establish a certified nursing
 3.8 assistant kickstarter program to provide funding for training, recruitment, and retention of
 3.9 certified nursing assistants in nursing facilities. The certified nursing assistant kickstarter
 3.10 program incentivizes the development of in-house certified nursing assistant training
 3.11 programs and reimburses nursing facilities for training costs, wages paid during training,
 3.12 and recruitment and retention bonuses paid.

3.13 Subd. 2. **Training costs.** (a) Training costs under this section include:

3.14 (1) classroom education costs;

3.15 (2) materials;

3.16 (3) uniforms;

3.17 (4) testing fees; and

3.18 (5) wages paid during training hours.

3.19 (b) Costs incurred and paid in advance are not eligible for reimbursement under section
 3.20 144A.611, subdivision 2.

3.21 Subd. 3. **On-site certified nursing assistant training program; eligibility.** (a) Nursing
 3.22 facilities may develop and conduct an on-site certified nursing assistant training program.
 3.23 All nursing facilities are eligible to participate in the on-site certified nursing assistant
 3.24 kickstarter program, except nursing facilities prohibited under the terms of a deficiency
 3.25 statement or corrective action from conducting an on-site certified nursing assistant training
 3.26 program must be granted a waiver by the commissioner of health.

3.27 (b) Nursing facilities may provide training through a Department of Health approved
 3.28 in-house training program or through a Department of Health approved training site.

3.29 Subd. 4. **Wages; recruitment bonus; retention bonus.** A student participating in the
 3.30 certified nursing assistant kickstarter program must receive from the nursing facility:

4.1 (1) a wage for the 75 hours of training equal to the wage established in section 177.24,
4.2 subdivision 1, paragraph (b), clause (1), item (iv);

4.3 (2) a recruitment bonus of \$500 to be paid to the student upon completion of training;
4.4 and

4.5 (3) a retention bonus of \$500 to be paid to the student after 12 months of continuous
4.6 employment with the nursing facility.

4.7 **Subd. 5. Program participation; administration; provider rate calculations. (a)**
4.8 Beginning October 1, 2019, and every October 1 thereafter, a nursing facility must submit
4.9 to the commissioner the number of students anticipated to be trained during the calendar
4.10 year beginning on January 1.

4.11 (b) Each nursing facility may request funding for training of up to 20 students per calendar
4.12 year. Nursing facility organizations that provide centralized training may request funding
4.13 for up to 20 students multiplied by the number of nursing facilities administered by the
4.14 organization.

4.15 (c) Unrelated nursing facilities may partner to provide training under this section.

4.16 (d) Any funding requested by a nursing facility that is not used for the purposes of this
4.17 section must be returned to the commissioner within 90 days after the end of the calendar
4.18 year in which the funding was received.

4.19 **Subd. 6. Calculation of kickstarter rate. (a) A nursing facility's kickstarter rate equals:**

4.20 (1) \$2,500 multiplied by the number of students a nursing facility plans to train in a
4.21 calendar year, as reported to the commissioner;

4.22 (2) 365 multiplied by the number of active beds in the facility as of January 1 multiplied
4.23 by 0.85; and

4.24 (3) the result of clause (1) divided by the result of clause (2).

4.25 (b) The commissioner must allocate kickstarter funding provided to nursing facility
4.26 organizations with centralized training to each of the organization's nursing facilities based
4.27 on the percentage of students from each facility.

4.28 **Subd. 7. Adult basic education costs.** In addition to the costs specified in subdivision
4.29 2, the commissioner may reimburse a nursing facility for up to \$300 per student for costs
4.30 related to additional adult basic education training intended to ensure successful completion
4.31 of an approved certified nursing assistant training program.

5.1 Subd. 8. **Training program establishment; onetime payment.** A nursing facility
5.2 without an in-house certified nursing assistant training program is eligible for an additional
5.3 onetime payment of \$2,000 to establish a program.

5.4 Sec. 4. **APPROPRIATION; CERTIFIED NURSING ASSISTANT TRAINING.**

5.5 \$2,000,000 in fiscal year 2020 and \$2,000,000 in fiscal year 2021 are appropriated from
5.6 the general fund to the commissioner of human services for the purpose of providing grants
5.7 to medical assistance program enrolled elderly waiver programs providing customized living
5.8 or 24-hour customized living to fund certified nursing assistant training. In administering
5.9 this grant program, the commissioner shall use programmatic and funding criteria similar
5.10 to the requirements in Minnesota Statutes, section 256R.375.