

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

S.F. No. 2306

(SENATE AUTHORS: HOUSLEY)

DATE
03/25/2021

D-PG

Introduction and first reading
Referred to Aging and Long-Term Care Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; modifying rates for services provided under elderly
1.3 waiver; modifying rates for certain services provided under disability waiver;
1.4 requiring a report; amending Minnesota Statutes 2020, sections 256S.21;
1.5 256S.2101; 256S.211, subdivision 1; 256S.212; 256S.213; 256S.214; 256S.215.

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

1.7 Section 1. Minnesota Statutes 2020, section 256S.21, is amended to read:

1.8 **256S.21 RATE SETTING; APPLICATION.**

1.9 The payment methodologies in sections 256S.2101 to 256S.215 apply to:

1.10 (1) the elderly waiver, elderly waiver customized living, elderly waiver foster care, and
1.11 elderly waiver residential care under this chapter;

1.12 (2) alternative care under section 256B.0913;

1.13 (3) essential community supports under section 256B.0922; and ~~community access for~~
1.14 ~~disability inclusion customized living and brain injury customized living under section~~
1.15 ~~256B.49.~~

1.16 (4) the following services, to the extent these services are covered under the home and
1.17 community-based services waivers under sections 256B.092 and 256B.49:

1.18 (i) customized living;

1.19 (ii) chore services;

1.20 (iii) home-delivered meals;

1.21 (iv) homemaker/assistance with personal care;

2.1 (v) homemaker/cleaning; and

2.2 (vi) homemaker/home management.

2.3 **EFFECTIVE DATE.** This section is effective January 1, 2022.

2.4 Sec. 2. Minnesota Statutes 2020, section 256S.2101, is amended to read:

2.5 **256S.2101 RATE SETTING; ~~PHASE-IN~~ IMPLEMENTATION AND**
 2.6 **INFLATIONARY ADJUSTMENT.**

2.7 (a) All rates and rate components for services listed in section 256S.21 shall be ~~the sum~~
 2.8 of ten percent of the rates calculated under sections 256S.211 to 256S.215 and 90 percent
 2.9 of the rates calculated using the rate methodology in effect as of June 30, 2017.

2.10 (b) On January 1 of each odd-numbered year, the commissioner shall update the base
 2.11 wage index in section 256S.212 based on the most recently available Bureau of Labor
 2.12 Statistics Minneapolis-St. Paul-Bloomington, MN-WI MetroSA data.

2.13 (c) On January 1 of each odd-numbered year, the commissioner shall update the payroll
 2.14 taxes and benefits factor in section 256S.213, subdivision 1, based on the most recently
 2.15 available nursing facility cost report data.

2.16 **EFFECTIVE DATE.** This section is effective January 1, 2022.

2.17 Sec. 3. Minnesota Statutes 2020, section 256S.211, subdivision 1, is amended to read:

2.18 Subdivision 1. **Establishing base wages.** When establishing the base wages according
 2.19 to section 256S.212, the commissioner shall use standard occupational classification (SOC)
 2.20 codes from the Bureau of Labor Statistics as defined in the edition of the Occupational
 2.21 Handbook published immediately prior to ~~January 1, 2019~~, the implementation or
 2.22 recalculation of rates using Minnesota-specific wages taken from job descriptions.

2.23 **EFFECTIVE DATE.** This section is effective January 1, 2022.

2.24 Sec. 4. Minnesota Statutes 2020, section 256S.212, is amended to read:

2.25 **256S.212 RATE SETTING; BASE WAGE INDEX.**

2.26 Subdivision 1. **Updating SOC codes.** If any of the SOC codes and positions used in
 2.27 this section are no longer available, the commissioner shall, in consultation with stakeholders,
 2.28 select a new SOC code and position that is the closest match to the previously used SOC
 2.29 position.

3.1 Subd. 2. **Home management and support services base wage.** For customized living,
 3.2 ~~and foster care, and residential care~~ component services, the home management and support
 3.3 services base wage equals 33.33 percent of the Minneapolis-St. Paul-Bloomington, MN-WI
 3.4 MetroSA average wage for personal and home care aide (SOC code 39-9021); 33.33 percent
 3.5 of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for food
 3.6 preparation workers (SOC code 35-2021); and 33.34 percent of the Minneapolis-St.
 3.7 Paul-Bloomington, MN-WI MetroSA average wage for maids and housekeeping cleaners
 3.8 (SOC code 37-2012).

3.9 Subd. 3. **Home care aide base wage.** For customized living, ~~and foster care, and~~
 3.10 ~~residential care~~ component services, the home care aide base wage equals ~~50~~ 75 percent of
 3.11 the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for home health
 3.12 aides (SOC code 31-1011); and ~~50~~ 25 percent of the Minneapolis-St. Paul-Bloomington,
 3.13 MN-WI MetroSA average wage for nursing assistants (SOC code 31-1014).

3.14 Subd. 4. **Home health aide base wage.** For customized living, ~~and foster care, and~~
 3.15 ~~residential care~~ component services, the home health aide base wage equals ~~20~~ 33.33 percent
 3.16 of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for licensed
 3.17 practical and licensed vocational nurses (SOC code 29-2061); ~~and 80~~ 33.33 percent of the
 3.18 Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for nursing assistants
 3.19 (SOC code 31-1014); and 33.34 percent of the Minneapolis-St. Paul-Bloomington, MN-WI
 3.20 MetroSA average wage for home health aides (SOC code 31-1011).

3.21 Subd. 5. **Medication setups by licensed nurse base wage.** For customized living, ~~and~~
 3.22 ~~foster care, and residential care~~ component services, the medication setups by licensed nurse
 3.23 base wage equals ~~ten~~ 25 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA
 3.24 average wage for licensed practical and licensed vocational nurses (SOC code 29-2061);
 3.25 and ~~90~~ 75 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average
 3.26 wage for registered nurses (SOC code 29-1141).

3.27 Subd. 6. **Chore services base wage.** The chore services base wage equals ~~400~~ 50 percent
 3.28 of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for landscaping
 3.29 and groundskeeping workers (SOC code 37-3011); and 50 percent of the Minneapolis-St.
 3.30 Paul-Bloomington, MN-WI MetroSA average wage for maids and housekeeping cleaners
 3.31 (SOC code 37-2012).

3.32 Subd. 7. **Companion services base wage.** The companion services base wage equals
 3.33 ~~50~~ 80 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage
 3.34 for personal and home care aides (SOC code 39-9021); and ~~50~~ 20 percent of the

4.1 Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for maids and
4.2 housekeeping cleaners (SOC code 37-2012).

4.3 Subd. 8. ~~Homemaker services and assistance~~ Homemaker/assistance with personal
4.4 care base wage. The ~~homemaker services and assistance~~ homemaker/assistance with
4.5 personal care base wage equals ~~60~~ 50 percent of the Minneapolis-St. Paul-Bloomington,
4.6 MN-WI MetroSA average wage for personal and home care aide (SOC code 39-9021); ~~20~~
4.7 and 50 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage
4.8 for nursing assistants (SOC code 31-1014); ~~and 20 percent of the Minneapolis-St.~~
4.9 ~~Paul-Bloomington, MN-WI MetroSA average wage for maids and housekeeping cleaners~~
4.10 ~~(SOC code 37-2012).~~

4.11 Subd. 9. ~~Homemaker services and cleaning~~ Homemaker/cleaning base wage. The
4.12 ~~homemaker services and cleaning~~ homemaker/cleaning base wage equals ~~60 percent of the~~
4.13 ~~Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for personal and home~~
4.14 ~~care aide (SOC code 39-9021); 20 percent of the Minneapolis-St. Paul-Bloomington, MN-WI~~
4.15 ~~MetroSA average wage for nursing assistants (SOC code 31-1014); and 20~~ 100 percent of
4.16 the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for maids and
4.17 housekeeping cleaners (SOC code 37-2012).

4.18 Subd. 10. ~~Homemaker services and home~~ Homemaker/home management base
4.19 wage. The ~~homemaker services and home~~ homemaker/home management base wage equals
4.20 ~~60~~ 50 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage
4.21 for personal and home care aide (SOC code 39-9021); ~~20~~ and 50 percent of the
4.22 Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for nursing assistants
4.23 (SOC code 31-1014); ~~and 20 percent of the Minneapolis-St. Paul-Bloomington, MN-WI~~
4.24 ~~MetroSA average wage for maids and housekeeping cleaners (SOC code 37-2012).~~

4.25 Subd. 11. **In-home respite care services base wage**. The in-home respite care services
4.26 base wage equals ~~five~~ 15 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA
4.27 average wage for registered nurses (SOC code 29-1141); 75 percent of the Minneapolis-St.
4.28 Paul-Bloomington, MN-WI MetroSA average wage for ~~nursing assistants~~ home health aides
4.29 (SOC code ~~31-1014~~ 31-1011); ~~and 20~~ ten percent of the Minneapolis-St. Paul-Bloomington,
4.30 MN-WI MetroSA average wage for licensed practical and licensed vocational nurses (SOC
4.31 code 29-2061).

4.32 Subd. 12. **Out-of-home respite care services base wage**. The out-of-home respite care
4.33 services base wage equals ~~five~~ 15 percent of the Minneapolis-St. Paul-Bloomington, MN-WI
4.34 MetroSA average wage for registered nurses (SOC code 29-1141); 75 percent of the

5.1 Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for ~~nursing assistants~~
 5.2 home health aides (SOC code ~~31-1014~~ 31-1011); and ~~20~~ ten percent of the Minneapolis-St.
 5.3 Paul-Bloomington, MN-WI MetroSA average wage for licensed practical and licensed
 5.4 vocational nurses (SOC code 29-2061).

5.5 Subd. 13. **Individual community living support base wage.** The individual community
 5.6 living support base wage equals ~~20~~ 60 percent of the Minneapolis-St. Paul-Bloomington,
 5.7 MN-WI MetroSA average wage for ~~licensed practical and licensed vocational nurses~~ social
 5.8 and human services aides (SOC code ~~29-2061~~ 21-1093); and ~~80~~ 40 percent of the
 5.9 Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for nursing assistants
 5.10 (SOC code 31-1014).

5.11 Subd. 14. **Registered nurse base wage.** The registered nurse base wage equals 100
 5.12 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for
 5.13 registered nurses (SOC code 29-1141).

5.14 Subd. 15. ~~Social worker~~ **Unlicensed supervisor base wage.** The ~~social worker~~
 5.15 unlicensed supervisor base wage equals 100 percent of the Minneapolis-St.
 5.16 Paul-Bloomington, MN-WI MetroSA average wage for ~~medical and public health social~~
 5.17 supervisor of personal service workers (SOC code ~~21-1022~~ 39-1021).

5.18 Subd. 16. **Adult day services base wage.** The adult day services base wage equals 75
 5.19 percent of the Minneapolis-St. Paul-Bloomington, MN-WI MetroSA average wage for home
 5.20 health aides (SOC code 31-1011); and 25 percent of the Minneapolis-St. Paul-Bloomington,
 5.21 MN-WI MetroSA average wage for nursing assistants (SOC code 31-1014).

5.22 **EFFECTIVE DATE.** This section is effective January 1, 2022.

5.23 Sec. 5. Minnesota Statutes 2020, section 256S.213, is amended to read:

5.24 **256S.213 RATE SETTING; FACTORS.**

5.25 Subdivision 1. **Payroll taxes and benefits factor.** The payroll taxes and benefits factor
 5.26 is the sum of net payroll taxes and benefits, divided by the sum of all salaries for all nursing
 5.27 facilities on the most recent and available cost report.

5.28 Subd. 2. **General and administrative factor.** The general and administrative factor is
 5.29 ~~the difference of net general and administrative expenses and administrative salaries, divided~~
 5.30 ~~by total operating expenses for all nursing facilities on the most recent and available cost~~
 5.31 ~~report~~ 14.4 percent.

6.1 Subd. 3. **Program plan support factor.** (a) The program plan support factor is 12.8 ten
 6.2 percent for the following services to cover the cost of direct service staff needed to provide
 6.3 support for ~~home and community-based~~ the service when not engaged in direct contact with
 6.4 participants:

6.5 (1) adult day services;

6.6 (2) customized living; and

6.7 (3) foster care.

6.8 (b) The program plan support factor is 15.5 percent for the following services to cover
 6.9 the cost of direct service staff needed to provide support for the service when not engaged
 6.10 in direct contact with participants:

6.11 (1) chore services;

6.12 (2) companion services;

6.13 (3) homemaker/assistance with personal care;

6.14 (4) homemaker/cleaning;

6.15 (5) homemaker/home management;

6.16 (6) in-home respite care;

6.17 (7) individual community living support; and

6.18 (8) out-of-home respite care.

6.19 Subd. 4. **Registered nurse management and supervision factor.** The registered nurse
 6.20 management and supervision factor equals 15 percent of the registered nurse adjusted base
 6.21 wage as defined in section 256S.214.

6.22 Subd. 5. ~~Social worker~~ **Unlicensed supervisor supervision factor.** The ~~social worker~~
 6.23 unlicensed supervisor supervision factor equals 15 percent of the ~~social worker~~ position's
 6.24 adjusted base wage as defined in section 256S.214.

6.25 Subd. 6. **Facility and equipment factor.** The facility and equipment factor for adult
 6.26 day services is 16.2 percent.

6.27 Subd. 7. **Food, supplies, and transportation factor.** The food, supplies, and
 6.28 transportation factor for adult day services is 24 percent.

6.29 Subd. 8. **Supplies and transportation factor.** The supplies and transportation factor
 6.30 for the following services is 1.56 percent:

- 7.1 (1) chore services;
- 7.2 (2) companion services;
- 7.3 (3) homemaker/assistance with personal care;
- 7.4 (4) homemaker/cleaning;
- 7.5 (5) homemaker/home management;
- 7.6 (6) in-home respite care;
- 7.7 (7) individual community support services; and
- 7.8 (8) out-of-home respite care.

7.9 Subd. 9. **Absence factor.** The absence factor for the following services is 4.5 percent:

- 7.10 (1) adult day services;
- 7.11 (2) chore services;
- 7.12 (3) companion services;
- 7.13 (4) homemaker/assistance with personal care;
- 7.14 (5) homemaker/cleaning;
- 7.15 (6) homemaker/home management;
- 7.16 (7) in-home respite care;
- 7.17 (8) individual community living support; and
- 7.18 (9) out-of-home respite care.

7.19 **EFFECTIVE DATE.** This section is effective January 1, 2022.

7.20 Sec. 6. Minnesota Statutes 2020, section 256S.214, is amended to read:

7.21 **256S.214 RATE SETTING; ADJUSTED BASE WAGE.**

7.22 For the purposes of section 256S.215, the adjusted base wage for each position equals
7.23 the position's base wage under section 256S.212 plus:

7.24 (1) the position's base wage multiplied by the payroll taxes and benefits factor under
7.25 section 256S.213, subdivision 1;

7.26 ~~(2) the position's base wage multiplied by the general and administrative factor under~~
7.27 ~~section 256S.213, subdivision 2; and~~

8.1 ~~(3)~~(2) the position's base wage multiplied by the applicable program plan support factor
8.2 under section 256S.213, subdivision 3; and

8.3 (3) the position's base wage multiplied by the absence factor, if applicable.

8.4 **EFFECTIVE DATE.** This section is effective January 1, 2022.

8.5 Sec. 7. Minnesota Statutes 2020, section 256S.215, is amended to read:

8.6 **256S.215 RATE SETTING; COMPONENT RATES.**

8.7 Subdivision 1. **Medication setups by licensed nurse component rate.** The component
8.8 rate or factor value for medication setups by a licensed nurse, the registered nurse
8.9 management and supervision factor, and the unlicensed supervisor supervision factor equals
8.10 the ~~medication setups by licensed nurse~~ respective position's adjusted base wage.

8.11 Subd. 2. **Home management and support services component rate.** The component
8.12 rate for home management and support services is the home management and support
8.13 services adjusted base wage plus the registered nurse management and supervision factor
8.14 multiplied by the general and administrative factor and by the applicable factors in section
8.15 256S.213, subdivisions 6 to 8.

8.16 Subd. 3. **Home care aide services component rate.** The component rate for home care
8.17 aide services is the home health aide services adjusted base wage plus the registered nurse
8.18 management and supervision factor multiplied by the general and administrative factor and
8.19 by the applicable factors in section 256S.213, subdivisions 6 to 8.

8.20 Subd. 4. **Home health aide services component rate.** The component rate for home
8.21 health aide services is the home health aide services adjusted base wage plus the registered
8.22 nurse management and supervision factor multiplied by the general and administrative factor
8.23 and by the applicable factors in section 256S.213, subdivisions 6 to 8.

8.24 Subd. 5. **Socialization component rate.** The component rate under elderly waiver
8.25 customized living for one-to-one socialization equals the home management and support
8.26 services component rate.

8.27 Subd. 6. **Transportation component rate.** The component rate under elderly waiver
8.28 customized living for one-to-one transportation equals the home management and support
8.29 services component rate.

8.30 Subd. 7. **Chore services rate.** The 15-minute unit rate for chore services is calculated
8.31 as follows:

9.1 (1) ~~sum~~ add the chore services adjusted base wage and the ~~social worker unlicensed~~
 9.2 supervisor supervision factor;

9.3 (2) multiply the result of clause (1) by the general and administrative factor and by the
 9.4 applicable factors in section 256S.213, subdivisions 6 to 8; and

9.5 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

9.6 Subd. 8. **Companion services rate.** The 15-minute unit rate for companion services is
 9.7 calculated as follows:

9.8 (1) ~~sum~~ add the companion services adjusted base wage and the social worker supervision
 9.9 factor;

9.10 (2) multiply the result of clause (1) by the general and administrative factor and by the
 9.11 applicable factors in section 256S.213, subdivisions 6 to 8; and

9.12 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

9.13 Subd. 9. ~~Homemaker services and assistance~~ **Homemaker/assistance with personal**
 9.14 **care rate.** The 15-minute unit rate for ~~homemaker services and assistance~~
 9.15 homemaker/assistance with personal care is calculated as follows:

9.16 (1) ~~sum~~ add the ~~homemaker services and assistance~~ homemaker/assistance with personal
 9.17 care adjusted base wage and the registered nurse management and supervision factor;

9.18 (2) multiply the result of clause (1) by the general and administrative factor and by the
 9.19 applicable factors in section 256S.213, subdivisions 6 to 8; and

9.20 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

9.21 Subd. 10. ~~Homemaker services and cleaning~~ **Homemaker/cleaning rate.** The
 9.22 15-minute unit rate for ~~homemaker services and cleaning~~ homemaker/cleaning is calculated
 9.23 as follows:

9.24 (1) ~~sum~~ add the ~~homemaker services and cleaning~~ homemaker/cleaning adjusted base
 9.25 wage and the registered nurse management and supervision factor;

9.26 (2) multiply the result of clause (1) by the general and administrative factor and by the
 9.27 applicable factors in section 256S.213, subdivisions 6 to 8; and

9.28 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

9.29 Subd. 11. ~~Homemaker services and home~~ **Homemaker/home management rate.** The
 9.30 15-minute unit rate for ~~homemaker services and home~~ homemaker/home management is
 9.31 calculated as follows:

10.1 (1) ~~sum~~ add the ~~homemaker services and home~~ homemaker/home management adjusted
10.2 base wage and the registered nurse management and supervision factor;

10.3 (2) multiply the result of clause (1) by the general and administrative factor and by the
10.4 applicable factors in section 256S.213, subdivisions 6 to 8; and

10.5 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

10.6 Subd. 12. **In-home respite care services rates.** (a) The 15-minute unit rate for in-home
10.7 respite care services is calculated as follows:

10.8 (1) ~~sum~~ add the in-home respite care services adjusted base wage and the registered
10.9 nurse management and supervision factor;

10.10 (2) multiply the result of clause (1) by the general and administrative factor and by the
10.11 applicable factors in section 256S.213, subdivisions 6 to 8; and

10.12 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

10.13 (b) The in-home respite care services daily rate equals the in-home respite care services
10.14 15-minute unit rate multiplied by 18.

10.15 Subd. 13. **Out-of-home respite care services rates.** (a) The 15-minute unit rate for
10.16 out-of-home respite care is calculated as follows:

10.17 (1) ~~sum~~ add the out-of-home respite care services adjusted base wage and the registered
10.18 nurse management and supervision factor;

10.19 (2) multiply the result of clause (1) by the general and administrative factor and by the
10.20 applicable factors in section 256S.213, subdivisions 6 to 8; and

10.21 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

10.22 (b) The out-of-home respite care services daily rate equals the 15-minute unit rate for
10.23 out-of-home respite care services multiplied by 18.

10.24 Subd. 14. **Individual community living support rate.** The individual community living
10.25 support rate is calculated as follows:

10.26 (1) ~~sum~~ add the ~~home care aide~~ individual community living support adjusted base wage
10.27 and the ~~social worker~~ registered nurse management and supervision factor;

10.28 (2) multiply the result of clause (1) by the general and administrative factor and by the
10.29 applicable factors in section 256S.213, subdivisions 6 to 8; and

10.30 ~~(2)~~ (3) divide the result of clause ~~(1)~~ (2) by four.

11.1 Subd. 15. **Home-delivered meals rate.** The home-delivered meals rate equals ~~\$9.30~~
11.2 \$8.17. The commissioner shall increase the home delivered meals rate ~~every July~~ January
11.3 1 of each odd-numbered year by the percent increase in the nursing facility dietary per diem
11.4 using the two most recent and available nursing facility cost reports.

11.5 Subd. 16. **Adult day services rate.** The 15-minute unit rate for adult day services, ~~with~~
11.6 ~~an assumed staffing ratio of one staff person to four participants, is the sum of~~ is calculated
11.7 as follows:

11.8 (1) ~~one-sixteenth of the home care aide services~~ divide the adult day services adjusted
11.9 base wage, ~~except that the general and administrative factor used to determine the home~~
11.10 ~~care aide services adjusted base wage is 20 percent~~ by five to reflect an assumed staffing
11.11 ratio of one to five;

11.12 (2) ~~one-fourth of the registered nurse management and supervision factor~~ add the result
11.13 of clause (1) and the registered nurse management and supervision factor;

11.14 (3) multiply the result of clause (2) by the general and administrative factor and by the
11.15 applicable factors in section 256S.213, subdivisions 6 to 8; and

11.16 (3) ~~\$0.63 to cover the cost of meals.~~

11.17 (4) divide the result of clause (3) by four.

11.18 Subd. 17. **Adult day services bath rate.** The 15-minute unit rate for adult day services
11.19 bath is ~~the sum of~~ calculated as follows:

11.20 (1) ~~one-fourth of the home care aide~~ add the adult day services adjusted base wage,
11.21 ~~except that the general and administrative factor used to determine the home care aide~~
11.22 ~~services adjusted base wage is 20 percent~~ and the registered nurse management and
11.23 supervision factor;

11.24 (2) ~~one-fourth of the registered nurse management and supervision factor~~ multiply the
11.25 result of clause (1) by the general and administrative factor and the applicable factors in
11.26 section 256S.213, subdivisions 6 to 8; and

11.27 (3) ~~\$0.63 to cover the cost of meals~~ divide the result of clause (2) by four.

11.28 **EFFECTIVE DATE.** This section is effective January 1, 2022.

12.1 **Sec. 8. DIRECTION TO COMMISSIONER; EVALUATION OF ELDERLY**

12.2 **WAIVER RATE METHODOLOGY.**

12.3 (a) The commissioner of human services, in consultation with stakeholders, shall conduct
12.4 a study to evaluate:

12.5 (1) elderly waiver rate methodology base wage values compared to wages paid by service
12.6 providers;

12.7 (2) elderly waiver rate methodology nonwage cost factor values compared to nonwage
12.8 costs of service providers; and

12.9 (3) the extent to which nonwage cost factors and factor values should vary by service.

12.10 (b) By January 1, 2024, the commissioner of human services shall submit a report to the
12.11 chairs and ranking minority members of the legislative committees and divisions with
12.12 jurisdiction over the elderly waiver program with recommended adjustments to the rate
12.13 methodologies in Minnesota Statutes, sections 256S.21 to 256S.215, based on the results
12.14 of the evaluation in paragraph (a). The report must comply with Minnesota Statutes, sections
12.15 3.195 and 3.197.

12.16 **EFFECTIVE DATE. This section is effective July 1, 2021.**