

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3071

(SENATE AUTHORS: WESTROM)
DATE03/27/2025D-PGIntroduction and first reading
Referred to Human ServicesOFFICIAL STATUS

1.1A bill for an act

1.2relating to human services; modifying home care nursing hardship criteria;

1.3amending Minnesota Statutes 2024, section 256B.0654, subdivision 4.

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

1.5Section 1. Minnesota Statutes 2024, section 256B.0654, subdivision 4, is amended to read:

1.6Subd. 4. **Hardship criteria; home care nursing.** (a) Payment is allowed for extraordinary

1.7services that require specialized nursing skills and are provided by parents of minor children,

1.8family foster parents, spouses, and legal guardians who are providing home care nursing

1.9care under the following conditions:

1.10(1) the provision of these services is not legally required of the parents, spouses, or legal

1.11guardians;

1.12(2) the services are necessary to prevent hospitalization of the recipient; and

1.13(3) the recipient is eligible for state plan home care or a home and community-based

1.14waiver and one of the following hardship criteria are met:

1.15(i) the parent, spouse, or legal guardian resigns from a part-time or full-time job to

1.16provide nursing care for the recipient;

1.17(ii) the parent, spouse, or legal guardian goes from a full-time to a part-time job with

1.18less compensation to provide nursing care for the recipient;

1.19(iii) the parent, spouse, or legal guardian takes a leave of absence without pay to provide

1.20nursing care for the recipient; or

(iv) because of labor conditions, special language needs, or intermittent hours of care needed, the parent, spouse, or legal guardian is needed in order to provide adequate home care nursing services to meet the medical needs of the recipient.

(b) Home care nursing may be provided by a parent, spouse, family foster parent, or legal guardian who is a nurse licensed in Minnesota. Home care nursing services provided by a parent, spouse, family foster parent, or legal guardian cannot be used in lieu of nursing services covered and available under liable third-party payors, including Medicare. The home care nursing provided by a parent, spouse, family foster parent, or legal guardian must be included in the service agreement. Authorized nursing services for a single recipient or recipients with the same residence and provided by the parent, spouse, family foster parent, or legal guardian may not exceed 50 percent of the total approved nursing hours, or ~~eight~~ 12 hours per day, whichever is less, up to a maximum of ~~40~~ 60 hours per week. A parent or parents, spouse, family foster parent, or legal guardian shall not provide more than ~~40~~ 60 hours of services in a seven-day period. For parents, family foster parents, and legal guardians, ~~40~~ 60 hours is the total amount allowed regardless of the number of children or adults who receive services. Nothing in this subdivision precludes the parent's, spouse's, or legal guardian's obligation of assuming the nonreimbursed family responsibilities of emergency backup caregiver and primary caregiver.

(c) Notwithstanding any law or rule to the contrary, a parent, spouse, family foster parent, or legal guardian providing services under this subdivision may be employed by more than one home care nursing agency.

~~(e)~~ (d) A parent, family foster parent, or a spouse may not be paid to provide home care nursing care if:

(1) the parent or spouse fails to pass a criminal background check according to chapter 245C;

(2) it has been determined by the home care nursing agency, the case manager, or the physician, advanced practice registered nurse, or physician assistant that the home care nursing provided by the parent, family foster parent, spouse, or legal guardian is unsafe; or

(3) the parent, family foster parent, spouse, or legal guardian does not follow physician, advanced practice registered nurse, or physician assistant orders.

~~(d)~~ (e) For purposes of this section, "assessment" means a review and evaluation of a recipient's need for home care services conducted in person. Assessments for home care nursing must be conducted by a registered nurse.

- 3.1 **EFFECTIVE DATE.** This section is effective July 1, 2025, or upon federal approval,
- 3.2 whichever is later. The commissioner of human services shall notify the revisor of statutes
- 3.3 when federal approval is obtained.