

Subject Personal Care Assistance Modifications and Temporary Rate Increase

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Overview

This bill modifies the personal care assistance (PCA) program by increasing the monthly limit on the number of hours a personal care assistant may provide PCA services under MA, temporarily suspending the prohibition on parents of minors who are receiving PCA services or the spouse of a recipient from providing and being paid for providing PCA services under MA, and temporarily increasing PCA rates and enhanced rates by 15 percent in response to COVID-19.

Summary

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| 1 | <p>Personal care assistant; requirements.</p> <p>Amends § 256B.0659, subd. 11. Increases the monthly limit on the number of hours a personal care assistant may provide PCA services under MA from 275 hours to 310 hours. Provides an immediate effective date.</p> |
| 2 | <p>Support workers requirements.</p> <p>Amends § 256B.85, subd. 16. Increases the monthly limit on the number of hours a support worker may provide CFSS services under MA from 275 hours to 310 hours. Provides an immediate effective date.</p> |
| 3 | <p>Temporary allowance of PCA compensation for services provided by a parent or spouse.</p> <p>Allows a parent, stepparent, or legal guardian of a minor who is receiving PCA services or the spouse of a PCA recipient to provide and be paid for providing PCA services during the peacetime emergency declared for the COVID-19 outbreak. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier. Specifies that this section is effective the day following final enactment or upon federal approval, whichever is</p> |

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later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

4 Appropriation; PCA temporary rate increase.

Appropriates an unspecified amount for a temporary 15 percent PCA rate increase.

Subd. 1. Definitions. Defines “commissioner,” “covered program,” “direct support professional,” and “direct support services.”

Subd. 2. Temporary rates for direct support services. Paragraph (a) requires the commissioner to temporarily increase rates and enhanced rates by 15 percent for covered programs and the PCA program to respond to COVID-19 while this section is effective.

Paragraph (b) requires providers that receive the temporary rate increase to use at least 80 percent of the additional revenue to increase wages, salaries, and benefits for personal care assistants, and to use the remainder of the additional revenue for activities and items necessary to comply with the CDC guidance on sanitation and personal protective equipment.

Subd. 3. Capitation rates and directed payments. Paragraph (a) requires managed care plans and county-based purchasing plans to increase PCA rates and enhanced rates by 15 percent for direct support services.

Paragraph (b) requires the commissioner to adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain expected medical loss ratios.

Paragraph (c) requires contracts between the plans and providers to allow recovery of payments from providers if federal approval is not obtained and the commissioner reduces capitation payments as a result.

Subd. 4. Consumer-directed community supports (CDCS) budgets. Requires lead agencies to temporarily increase the budget for each CDCS recipient to reflect the 15 percent increase for direct support services.

Subd. 5. Consumer support grants; increased maximum allowable grant. Requires the commissioner to temporarily increase the maximum allowable monthly grant level for each consumer support grant recipient to reflect the 15 percent increase for direct support services.

Subd. 6. Distribution plans. Paragraph (a) requires provider agencies and individual providers that receive the temporary rate increase to prepare and submit to the commissioner upon request a distribution plan that specifies the

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additional amount and proposed uses of the additional revenue the provider will receive.

Paragraph (b) requires providers to post the distribution plan and instructions on how to file an appeal with the commissioner if the direct support professional does not believe they have received the wage increases or benefits specified in the distribution plan.

Subd. 7. Expiration. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier.

Specifies this section is effective the day following final enactment or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

5 **Appropriation; personal care assistance.**

Paragraph (a) appropriates \$43,000 in fiscal year 2020 and \$26,170,000 in fiscal year 2021 from the general fund to the commissioner of human services to implement the PCA provisions in this act. Specifies this is a onetime appropriation.

Paragraph (b) requires the commissioner of MMB to determine if any expenditure under this section is eligible for federal CARES Act funding. If the commissioner of MMB determines that an expenditure is eligible for federal CARES Act funding, requires the funding for the eligible expenditure to be appropriated from the account where CARES Act money has been deposited and the corresponding amount appropriated in this section cancels to the general fund.



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