

Minnesota Home Care Association Minnesota 2022 Regular Legislative Session Summary



MINNESOTA HOME CARE ASSOCIATION

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The Minnesota 2022 Regular Legislative Session began on Monday, January 31st and adjourned on Monday, May 23rd. At a press conference held one week before the end of the session, the Governor and legislative leaders announced an agreement on parameters to guide final end-of-session negotiations. The framework of that agreement included equal amounts of state funds to be spent on tax cuts, new spending, and bolstering the state's budget reserves for the future. Senate and House Committee Chairs for each area of state government were directed to continue their work to find final compromise positions that fit within the agreed-to framework. In the end, however, the Senate and House negotiating positions in most major budget areas remained too far apart and time ran out before final compromises could be agreed to. Therefore the 2022 Regular Legislative Session concluded without passage of most major Omnibus bills, including the Health and Human Services bill, the Taxes bill, the Education bill, the Public Safety bill, the Capital Investment bill, and more. Compromise was found on some smaller bills that did pass into law this session, including a Health and Human Services Policy bill and a Mental Health specific spending bill. At the time of this writing, discussions remain ongoing about the possibility of a special session where legislators would return to the Capitol to continue passing bills.

The 2022 session was technically a “non-budget year session” given that the legislature had passed a two-year biennial budget into law during the 2021 session. However, the state also faced an unprecedented \$9 billion surplus, along with a variety of opinions on how those surplus funds should be used. As a result, as is often the case even in non-budget year legislative sessions, this past session felt very much like a budget year session in terms of the volume of bills introduced and legislative activity levels.

Again this year, Minnesota was one of the few states in the country controlled by a divided government. Members of the Minnesota House were led by Melissa Hortman, a Democrat serving in her fourth year as Speaker of the House. Members of the Minnesota Senate were led by Republican and first-time Majority Leader Jeremy Miller. The executive branch was led by Governor Tim Walz, a Democrat serving the final year of his initial four-year term as Governor.

In addition, the 2022 Session was the first session since the onset of COVID to see an increasing return to more in-person legislative activity. As the session progressed from winter to spring, more and more committees (though not all) fell into a pattern of holding in-person hearings with a remote participation option. This “new normal” of legislative operations allowed for increased stakeholder participation and hearing opportunities, and also inevitably brought technology hiccups as well as slowdowns that come with working together on complex legislative issues without being in the same physical space.

Lawmakers also had their eyes this session on the upcoming fall elections when all 201 state legislators along with Governor Walz and the other statewide elected officials will be up for election. Looming fall elections always shape the dynamic of a legislative session given lawmakers' heightened preoccupation with the ramifications of their votes.

This past session also had the added election-related layer of legislators learning about their newly drawn legislative district boundaries given the once-in-a-decade redistricting process recently completed.

All of the above factors - the personalities and styles of legislative and executive leadership, the challenges and opportunities of legislating in the hybrid model brought on by COVID, and the political pressures legislators face with looming re-election campaigns - shaped the path this legislative session took, and the fate of the many legislative ideas brought forward.

The following pages contain summary information about provisions passed during the 2022 Regular Legislative Session of interest to MHCA. In compiling this report, to provide the most accurate information to you, to the extent it was available we used direct material either from the legislation itself or put together by nonpartisan Minnesota legislative research staff. We have also included a reference to the location of the exact statutory language for each provision, to allow you to review the specific language in its entirety. As always, please do not hesitate to reach out with further questions about the following information. Lastly, as mentioned above, the prospects for a special session remain unclear at this time. We will be closely monitoring any potential legislative developments in the coming months and will keep you informed.

[Minnesota Session Law 2022, Chapter 40](#)

Gives temporary authority to the Commissioner of Human Services to reinstate a limited number of previously lapsed waivers and modifications, including the temporary authority to allow qualified professionals to provide required in-person oversight of personal care assistance workers via two-way interactive telecommunications. This waiver remains in effect until June 30, 2022.

[Minnesota Session Law 2022, Chapter 50](#)

Establishes the [Minnesota Frontline Worker Payment Program](#). The program is intended to provide payments to frontline workers whose work put them at risk of contracting COVID-19 during the peacetime emergency declared by the governor in Executive Order 20-01. Eligible frontline workers must have been employed for at least 120 hours in Minnesota in one of fifteen eligible sectors during the period beginning March 15, 2020 and ending June 30, 2021 and were not able to telework due to the nature of the individual's work and worked in close proximity to individuals outside of the individual's household. Eligible workers must also meet certain income requirements as well as not have received certain unemployment insurance benefit payments. The Minnesota Department of Labor and Industry must provide an application process. Employers in the frontline sectors must provide notice advising all current workers who may be eligible for payments of the assistance potentially available to them and how to apply for benefits. This chapter of law also appropriates funds to address the state's unemployment insurance trust fund loan repayment and replenishment and allocates general funds to the Minnesota Office of Management and Budget to pay for COVID-19 management costs.

[Minnesota Session Law 2022, Chapter 98, Health and Human Services Policy Omnibus bill](#)

- **Article 1, Section 1, 62-66, and 70, Eliminates the duplicative background study process impacting certain individuals who have already completed a background study through a health-related licensing board.** The Minnesota Department of Human Services is permitted to not conduct a background study on certain individuals who hold a valid license from a health-related licensing board and who have already completed a background study for their health-related licensing board. The health-related licensing boards are required to provide the Minnesota Department of Human Services a daily roster of individuals who have a license in active status. The Minnesota Department of Human Services is required to notify any health-related licensing board if a person licensed by the board is responsible for substantiated maltreatment, and then the health-related licensing board must decide on next steps within specific options.
- **Article 1, Section 5, Modifies the existing Home and Community-Based Services Employee Scholarship Program to also include loan forgiveness.** This program is expanded to allow home and community-based services providers to also fund loan repayments for qualified educational loans for education in nursing or other health-related fields of their employees, and expands the professionals eligible for a scholarship or loan repayment to include individuals studying to become an assisted living director. Eligibility remains focused on employees of providers that primarily provide services to individuals who are 65 years of age and older in home and community-based settings.
- **Article 1, Section 18-19, Changes the membership and duties of the Home Care and Assisted Living Program Advisory Council to include more representation of Assisted Living services.** The

membership and duties of the council are adjusted to reflect more of a balance between Home Care and Assisted Living services, and there is also the addition of a member representing the Office of Ombudsman for Mental Health and Developmental Disabilities.

- **Article 1, Section 20, Updates the definition of Palliative Care.** The definition of Palliative Care is updated for the purposes of Hospice Care, including clarifying that Palliative Care may be provided along with curative treatment.
- **Article 2, Section 12, Newly defines the duties and powers of the Ombudsman for Managed Care.** Additional detail is added to the statutory language governing the Minnesota Department of Human Services Ombudsman for Managed Care. Official duties are laid out including specific assistance the Ombudsman can provide as well as requirements for data analysis by the Ombudsman's office.
- **Article 5, Sections 1-2, Clarifies that 245D service termination requirements apply to services provided in an individual's home.** Language is added to clarify that service termination requirements apply to services provided in an individual's home, and language is also added stating that the health and safety of staff can be considered regarding a decision about a possible service termination. Service termination appeal rights are also extended to individuals receiving services in their home.
- **Article 12, Section 18, Allows for an extension of the timeline for emergency COVID background studies to be transitioned to fully compliant background studies.** The expiration date for emergency COVID background studies is extended until January 1, 2023.