

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1489

(SENATE AUTHORS: BOLDON)

| DATE | D-PG | OFFICIAL STATUS |
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| 02/09/2023 | 758 | Introduction and first reading |
| | | Referred to Health and Human Services |
| 03/13/2023 | | Comm report: To pass as amended and re-refer to Human Services |

1.1 A bill for an act

1.2 relating to human services; establishing human services provider workplace safety

1.3 grants; appropriating money.

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

1.5 Section 1. **HUMAN SERVICES PROVIDER WORKPLACE SAFETY GRANTS.**

1.6 Subdivision 1. Establishment. The commissioner of human services must establish a

1.7 grant program for human services provider workplace safety grants to increase safety

1.8 measures in facilities that provide behavioral health care, services for children, families,

1.9 and vulnerable adults, services for older adults and people with disabilities, and other social

1.10 services or related care.

1.11 Subd. 2. Eligible applicants. To be eligible for a grant under this section, applicants

1.12 must be a county human services agency, tribal human services agency, or other human

1.13 services provider organization or agency.

1.14 Subd. 3. Applications. (a) Entities seeking grants under this section must apply to the

1.15 commissioner in a form and manner prescribed by the commissioner. The grant applicant,

1.16 in its application, must include:

1.17 (1) the type of entity that will receive funding through the grant;

1.18 (2) the specific safety measures or activities for which the applicant will use the grant

1.19 funds;

1.20 (3) the specific policies that will be implemented or upheld to ensure that individuals'

1.21 rights to privacy are protected when grant funds are used for eligible uses under subdivision

1.22 4;

2.1 (4) a proposed budget for each of the specific activities the applicant will use the grant
2.2 funds;

2.3 (5) an outline of efforts to enhance existing or proposed safety measures that improve
2.4 the safety of providers employed with the applicant;

2.5 (6) sample consent forms for any safety equipment that has capacity to record, store, or
2.6 share audio or video collected from individuals, excluding devices located in public spaces
2.7 in a home or dwelling unit that the service provider owns, operates, or leases or in which
2.8 the service provider has a direct or indirect financial interest;

2.9 (7) how the grant-funded measures will lead to long-term improvements in safety and
2.10 stability for providers employed with the applicant and individuals accessing the services;
2.11 and

2.12 (8) how the applicant will evaluate the effectiveness of implemented safety measures
2.13 and changes.

2.14 (b) The commissioner must provide technical assistance to applicants throughout the
2.15 application process and to grantees regarding grant distribution and required grantee
2.16 reporting.

2.17 Subd. 4. **Eligible uses.** (a) Grant funds must be used on one or more of the following:

2.18 (1) the procurement and installation of safety equipment, which may include:

2.19 (i) cellular telephones;

2.20 (ii) personal radios;

2.21 (iii) wearable tracking devices for staff to share location with supervisors, subject to the
2.22 Health Insurance Portability and Accountability Act (HIPAA) privacy rule under the Code
2.23 of Federal Regulations, title 45, part 160 and part 164, subparts A and E;

2.24 (iv) security systems and cameras in public spaces in home or dwelling units that the
2.25 service provider owns, operates, or leases or in which the service provider has a direct or
2.26 indirect financial interest; and

2.27 (v) panic buttons;

2.28 (2) training for providers, which may include:

2.29 (i) sessions and exercises for crisis management, strategies for de-escalating conflict
2.30 situations, safety planning, and self-defense in line with the positive supports rule under

3.1 Minnesota Rules, chapter 9544, and person-centered planning and service delivery according
3.2 to Minnesota Statutes, section 245D.07, subdivision 1a;

3.3 (ii) training in culturally informed and culturally affirming practice, including linguistic
3.4 training;

3.5 (iii) training in trauma-informed social, emotional, and behavioral support; and

3.6 (iv) other training topics, sessions, and exercises related to safety the commissioner
3.7 determines to be appropriate;

3.8 (3) facility safety improvements, which may include threat and vulnerability review and
3.9 barrier protection;

3.10 (4) support services, counseling, and additional resources for human services providers
3.11 who have experienced safety concerns or trauma-related incidents in the workplace;

3.12 (5) installation and implementation of an internal data incident tracking system to track
3.13 and prevent workplace safety incidents; and

3.14 (6) other prevention and mitigation measures and safety training, resources, and provider
3.15 support services the commissioner determines to be appropriate.

3.16 (b) Safety equipment allowed under subdivision 4, paragraph (a), clause (1), must not
3.17 include:

3.18 (1) tools or devices that facilitate physical or chemical restraint;

3.19 (2) barriers, environmental modifications, or other tools or devices that facilitate
3.20 individual seclusion, except plexiglass barriers in office settings are allowed;

3.21 (3) wearable body cameras; and

3.22 (4) wearable tracking devices with the capacity to store location data.

3.23 (c) Security cameras must only be used in staff spaces and entry points of buildings.
3.24 Allowable use does not include common areas, bedrooms, and bathrooms.

3.25 (d) In settings where the positive supports rule applies, all safety equipment purchased
3.26 with grant funds must comply with Minnesota Rules, chapter 9544.

3.27 (e) Facilities licensed under Minnesota Statutes, chapter 245D, must provide
3.28 person-centered planning and service delivery according to Minnesota Statutes, section
3.29 245D.07, subdivision 1a.

3.30 (f) Any safety equipment purchased with grant funds under this section with the capacity
3.31 for electronic monitoring must be used according to requirements under Minnesota Statutes,

4.1 section 144.6502, or the brain injury, community alternative care, community access for
4.2 disability inclusion, and developmental disabilities waiver plans.

4.3 (g) Prior to the use of safety equipment that has the capacity to record, store, and share
4.4 audio, video, or a combination thereof, a grantee must:

4.5 (1) provide individuals receiving services with information about electronic monitoring
4.6 in an accessible manner, including:

4.7 (i) a definition of electronic monitoring;

4.8 (ii) the type of device that will be in use;

4.9 (iii) how the footage captured will be used;

4.10 (iv) with whom the footage captured will be shared; and

4.11 (v) acknowledgment that the individual has the right to decline the use of safety equipment
4.12 that has capacity to record, store, and share audio, video, or a combination thereof;

4.13 (2) provide notice every time electronic monitoring devices are in use; and

4.14 (3) obtain written consent from anyone, including, if applicable, guardians of individuals
4.15 receiving services, whose audio or video may be recorded during the time the safety
4.16 equipment is in use.

4.17 (h) In any setting in which home and community-based services are provided under title
4.18 19, sections 1915(c) and 1915(i) of the federal Social Security Act:

4.19 (1) use of safety equipment that has the capacity to record, store, or share audio, video,
4.20 or a combination thereof, must cease immediately and indefinitely when an individual
4.21 receiving services at any point declines the use of or revokes prior consent to the use of
4.22 such equipment, or the individual's guardian declines such use or revokes prior consent on
4.23 the individual's behalf; and

4.24 (2) the provision of services must not be denied or delayed as a result of an individual's
4.25 decision to decline the use of safety equipment that has capacity to record, store, or share
4.26 audio, video, or a combination thereof.

4.27 Subd. 5. **Data collection.** All video, audio, or other personally identifiable information
4.28 collected through safety equipment paid for by this grant:

4.29 (1) is subject to the HIPAA privacy rule under the Code of Federal Regulations, title
4.30 45, part 160 and part 164, subparts A and E;

5.1 (2) is subject to applicable rules of evidence and procedure if admitted into evidence in
5.2 a civil, criminal, or administrative proceeding; and

5.3 (3) must not result in the denial or delay of services provided to an individual.

5.4 Subd. 6. **Reports.** (a) Each grantee must submit a report to the commissioner by July
5.5 1, 2026, and such reports must include:

5.6 (1) the number of workplace safety incidents that occurred since the grantee received
5.7 grant funds;

5.8 (2) the number and type of safety measures implemented with grant funding, and how
5.9 those safety measures helped alleviate or deescalate workplace safety incidents;

5.10 (3) the number of employees who benefitted from the safety measures implemented
5.11 with grant funding;

5.12 (4) the number of clients who benefitted from the safety measures implemented with
5.13 grant funding;

5.14 (5) any other practices implemented concurrently with the safety measures to ensure the
5.15 rights of individuals receiving services were upheld;

5.16 (6) how many individuals did not consent to the use of any safety equipment with the
5.17 capacity to record, store, or share audio, video, or a combination thereof;

5.18 (7) an assessment on the effectiveness of the safety measures implemented with grant
5.19 funding, including whether the grant funding lead to improved safety for workers and
5.20 individuals receiving services; and

5.21 (8) any changes to the grantee's policy or practice that were made if the safety measures
5.22 implemented with grant funding were deemed ineffective.

5.23 (b) The commissioner must submit a compilation of the reports by July 31, 2026, to the
5.24 chairs and ranking minority members of the legislative committees with jurisdiction over
5.25 health and human services, the Office of the Ombudsman for Long-Term Care, and the
5.26 Office of the Ombudsman for Mental Health and Developmental Disabilities.

5.27 Subd. 7. **Grant administration.** (a) Grants must be awarded on a first-come, first-served
5.28 basis to eligible applicants under subdivision 2 that meet the application requirements under
5.29 subdivision 3.

5.30 (b) Each grant award must be for at least \$5,000 but no more than \$50,000 for each
5.31 individual applicant.

6.1 Sec. 2. **APPROPRIATION; HUMAN SERVICES PROVIDER WORKPLACE**
6.2 **SAFETY GRANTS.**

6.3 (a) \$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated
6.4 from the general fund to the commissioner of human services for human services provider
6.5 workplace safety grants under section 1. The unencumbered balance in the first year does
6.6 not cancel but is available for the second year. This is a onetime appropriation.

6.7 (b) Of the amount appropriated in paragraph (a), 40 percent of grant funds in each fiscal
6.8 year must be awarded to eligible applicants located outside of the seven-county metropolitan
6.9 area.