



By Electronic Mail

August 10, 2020

Commissioner Jodi Harpstead
Minnesota Department of Human Services
540 Cedar Street
St Paul, MN 55101

Dear Commissioner Harpstead:

We learned from Deputy Inspector General Davis that the Minnesota Department of Human Services (DHS) is proposing to return to fully-compliant, fingerprint-based background studies process within the next two weeks. On behalf of our two organizations, representing older-adult services providers across the State of Minnesota, we are writing to provide feedback relating to that proposal.

While we understand the challenges that may be presented by extending the modified process established in April, we have serious concerns about the impact that resuming standard studies at this time will have on aging services providers' ability to hire new staff or retain current staff hired under the waiver. For the reasons set out below, we ask that DHS delay the resumption of standard background studies until the fingerprinting site capacity can be restored to what it was prior to the pandemic.

Given the complexity of this issue, we'd like to summarize what we know about the current status and DHS proposal, to be sure we fully understand:

- Approximately 48,000 people (across all study types) have completed emergency background studies since April 6th, and the number continues to grow.
- When the peacetime emergency ends, the emergency background studies waiver may remain in effect for no more than 60 days, only for purposes of transitioning the program back to operating without the waiver.
- As a result, a person who received clearance to work through an emergency study will be disqualified from working unless s/he clears a fully-compliant study by that 60th day. This creates a bottleneck problem (first-time study subjects and emergency study subjects entering NETStudy 2.0 over the same 60-day period) that grows in magnitude as the number of emergency studies grows.
- DHS could leave the waiver in place for the duration of the peacetime emergency (i.e. through additional 30-day declarations by Governor Walz, expected to continue to at least mid-September), but you intend to revoke it sooner in order to cap the number of emergency-study subjects who will need to complete a fully-compliant study when the waiver ends.
- There is a significantly reduced number of fingerprinting stations that will be operational once the state returns to a fingerprint-based background study process, which will make it difficult for the impacted workers to come into compliance within the limited period of time that will be available.

We believe DHS should not revoke the emergency studies waiver sooner than it has to, unless and until the Department is confident there will be adequate fingerprinting capacity to handle the demand. The ability of our member settings to onboard new employees quickly when they need them is always critical, but that's especially true at this stage of the fight against COVID-19. Beyond normal staff turnover and vacancy rates, two factors are exacerbating workforce challenges for aging services providers right now:

- (1) MDH data shows an increasing number of healthcare workers are contracting the virus (6,805 as of August 9, 2020). When a healthcare worker tests positive, that worker has to quarantine at home for a two week period, as do other workers who may have had a risky-exposure to the affected worker. A single infection may have a significant affect on the available workforce in a given setting.

(2) Most aging services providers rely heavily on high-school and college students to serve residents during the summer months, and this is exactly the time when those students are leaving the workforce to resume their studies.

These issues will affect not only our members' ability to hire employees directly, but also the supplemental staffing agencies that supply workforce to our system. This may include both the private agencies that operate in Minnesota, but also the emergency staffing pool that the State is working to launch, under the leadership of Assistant Commissioner Pollock.

If we understand correctly, there are currently 34 fingerprinting sites open to the public, with the prospect of a few more opening within the next couple of weeks, compared to the 85-90 sites that were available to prospective employees prior to the COVID-19 emergency.

While we don't have access to the data, this level of capacity will almost surely be too low to meet statewide demand, even for new hires. Ms. Davis shared that DHS is actively seeking and studying data, and we stress the importance of that work to inform your decision. Here are some questions that occur to us:

- What is the total capacity of the fingerprinting sites you expect to be open? Have those sites been high-volume or low-volume historically?
- How many of the available sites are open during evening and weekend hours?
- Where are those sites located? Will there be fingerprinting "deserts" in some parts of the State? Based on projections of additional site re-openings, how close to the pre-pandemic fingerprinting capacity would we be when the waiver is revoked?
- What is the fragility of the system? Given community transmission rates, it's possible that some of the available sites will have to close because some of their own employees test positive for the virus.

We also understand that the Department is pushing Gemalto to take an active role in supporting its sub-contracted fingerprinting sites in the re-opening process, which hopefully will result in additional sites coming on-line, but it's difficult to predict how quickly that will happen.

We ask that DHS continue the emergency studies waiver until fingerprinting site capacity is fully restored, and to allow time for the Department to work with impacted stakeholders to identify options and possible solutions. We stand ready to engage in that work with you, including to advocate for possible legislative solutions, such as extending the validity of the emergency studies for a longer period beyond the end of the peacetime emergency.

We are grateful to Deputy Inspector General Davis for notifying us of your work on this issue, and we are hopeful DHS will slow the off-ramping process long enough for us to work together in more detail. As your summary of the waiver explained when it took effect in April, the temporary process offers all providers across the state the flexibility they need to address workforce changes, and affords optimal access to qualified and available direct care workers while still protecting the safety of clients. That flexibility and balancing of access to workforce and safety for vulnerable adults is still needed at this time.

Sincerely,



Gayle Kvenvold
President/CEO
LeadingAge Minnesota



Patti Cullen, CAE
President/CEO
Care Providers of Minnesota

cc: Deputy Inspector General Davis
Assistant Commissioner Dan Pollock

The
 **Long-Term Care**
IMPERATIVE

A Minnesota Collaboration for Changes in Older Adult Services

August 14, 2020

Dear Legislators,

Throughout the pandemic we have been grateful to policymakers for their work to enact policy changes through executive action and legislation that provide flexibility to senior care providers to meet their staffing needs during the public health emergency. This includes modifications that the Minnesota Department of Human Services (DHS) implemented to allow for background studies that check in-state criminal histories but temporarily suspend the fingerprinting requirement. However, we recently learned that DHS is proposing to roll this waiver back and return to a fully compliant, fingerprint-based background study process within the next two weeks.

While we understand the challenges that may be presented by extending the modified process established in April, we have serious concerns about the impact that resuming standard studies at this time will have on aging services providers' ability to hire new staff or retain current staff hired under the waiver.

We therefore request that the legislature act in the next special session to pass legislation to extend the temporary modifications of background studies until 60 days after the expiration of the peacetime emergency and to make resources available to expand capacity to address the bottleneck of background checks that will have to be processed before these modifications expire. In addition, we request that lawmakers work to ensure that capacity for fingerprinting is sufficient to meet the Department's standard that "...applicants not have to drive more than 40 miles (one way) from their home or place of work to reach a fingerprinting and photo location."

Please find attached the letter that we have sent to Commissioner Harpstead on this issue for further information.

We would welcome further conversation about this issue and would be happy to meet via phone or via zoom. Our advocacy team will be following up with your staff to require a meeting shortly. Thank you for your continued support and consideration.



Patti Cullen
President & CEO
Care Providers of Minnesota



Gayle Kvenvold
President & CEO
LeadingAge Minnesota

cc:

Senator Paul Gazelka

Speaker Melissa Hortman

Rep. Kurt Daudt

Senator Susan Kent

Rep. Ryan Winkler

Senator Jim Abeler

Senator Michelle Benson

Senator Karin Housley

Rep. Tina Liebling

Rep. Jennifer Schultz

Rep. Rena Moran

Commissioner Jodi Harpstead

Dan Pollock, Assistant Commissioner

Hali Kolkind, Governor's staff