

**COVID-19/CORONAVIRUS – EMPLOYER CONCERNS AND QUESTIONS
MARCH 23, 2020 UPDATE – UPDATE #7 – EXECUTIVE ORDERS 20-11 and 20-12**

On March 21, 2020, Governor Walz issued two additional Executive Orders, 20-11 and 20-12: <https://mn.gov/governor/news/executiveorders.jsp>

WHAT DO I NEED TO KNOW?

The Executive Orders allow the Department of Human Services (DHS) to identify and modify/waive certain existing requirements to respond to the pandemic. Certain requirements have already been modified and we expect more to come. Below is a list of the programs that are already affected. A more in-depth analysis is provided regarding community residential and treatment programs; those affecting programs that provide long-term care; and foster care caseworker visits. For a complete look at the changes made, please visit the DHS website: <https://mn.gov/dhs/waivers-and-modifications/>.

We anticipate more waivers, suspensions, and modifications to be made in the coming days and recommend continued monitoring of the DHS website.

WHAT CHANGES ARE IN AFFECT NOW?

Waivers/suspensions are in place for the following as of noon on March 23, 2020:

- Healthcare coverage for Children’s Health Insurance Program, Medical Assistance, and MinnesotaCare;
- Family child care, child and adult foster care, and community residential and treatment settings;
- Economic assistance and housing programs;
- Minnesota Family Investment Program;
- Child Care Assistance Program;
- Foster care caseworker visits;
- Child support remedies;
- Waiver programs;
- SNAP participants; and
- Minnesota Family Investment Program and Diversionary Work Programs.

WILL DHS MODIFY BACKGROUND CHECK REQUIREMENTS?

Some waivers are anticipated, but the Executive Orders indicate no changes will be made to who must get a background check and the disqualification standards.

I PROVIDE FAMILY CHILD CARE, CHILD/ADULT FOSTER CARE, AND/OR COMMUNITY RESIDENTIAL TREATMENT. WHAT DO I NEED TO KNOW?

The following have been suspended to allow for continued services:

- Routine licensing and certification reviews;
- Payment of outstanding fines;
- Fix-it tickets, correction orders, and fines;
- Orders except for temporary immediate suspension order necessary to ensure health/safety of those receiving care and services

Critical Incidents involving high risk of harm and allegations of abuse/neglect will continue to be addressed.

Inspections for pre-licenses and change of premises will continue on a case-by-case basis.

Licenses for family child care, child/adult foster care, and community residential settings that would have expired in March-May are *automatically* extended for 3 months. Training, re-licensing, and documentation requirements are extended.

Training – Timelines for training for existing staff and license holders that expire during the peacetime emergency are extended.

WE PROVIDE SERVICES TO SENIORS AND PERSONS WITH DIABILITIES RECEIVING LONG-TERM SERVICES AND SUPPORT, WHAT DO WE NEED TO KNOW?

DHS has waived face-to-face visits for seniors and people with disabilities. For those receiving home and community-based services under Medical Assistance, assessments for needs can be done by phone or online connection. This applies to the following waiver programs:

- Alternative Care;
- Brain Injury;
- Community Alternative Care;
- Community Access for Disability Inclusion;
- Developmental Disabilities;
- Elderly Waiver;

- Essential Community Supports;
- Federal OBRA Level II Evaluations; and
- Rule 185 case management.

WE EMPLOY FOSTER CARE CASEWORKERS, WHAT DO WE NEED TO KNOW?

DHS is permitting video conferencing or use of any similar technology to serve as the monthly visits between a child and foster care caseworker.

WHAT OTHER CHANGES CAN WE EXPECT?

We are not sure. The Executive Order allows DHS to waive or modify many programs and requirements including home and community-based services to persons with disabilities and persons age 65 and older; child care assistance programs; withdrawal management programs; chemical dependency licensed treatment facilities; and certified license-exempt child care centers. We anticipate DHS post all modifications to its website.

OTHER EMPLOYMENT GUIDANCE AND CONCERNS

For related guidance and questions about other employment topics related to COVID-19, please see Lind Jensen Sullivan & Peterson's earlier guidance:

<http://www.lindjensen.com/news/>

WORKERS' COMPENSATION CONCERNS

For related guidance and questions about workers' compensation concerns related to COVID-19, please see Lind Jensen Sullivan & Peterson's separate guidance:

<http://www.lindjensen.com/covid-19-and-workers-compensation-in-minnesota/>

If you have any employment or other questions regarding the ongoing COVID-19 pandemic as it relates to your employees, please do not hesitate to contact our employment team at Lind Jensen Sullivan & Peterson by email or phone (612) 333-3637.

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