



Minnesota Workers' Compensation  
Insurers Association, Inc.

952-897-1737 general  
952-897-6495 fax

[www.mwcia.org](http://www.mwcia.org)

## CIRCULAR NO. 25-1865

Date: August 26, 2025

To: All Association Members

Re: Home Care Services Workers

### Overview

In response to the Minnesota Legislative Session, House File 3228 introduced changes to Home Care Services Workers. These changes were enacted May 23, 2025. The Minnesota Department of Commerce has approved the above filing, with an effective date of October 1, 2025.

### Key Legislative Changes & MWCIA Actions

The purpose of this filing is to bring the **Minnesota Basic Manual** current with the new legislation.

- **Minnesota Basic Manual** has been revised to include language regarding home care services workers as Rule 3. D.
- Exhibit 1 displays the addition to Rule 3. D.

The exhibits listed below show the current and new language affecting the **Minnesota Basic Manual**. Please note that strikethroughs indicate deleted text while underlining indicates new or added text.

### Contact Information

If you have questions about this publication, please contact us:

Phone: 952-897-1737 (Option 1)

Email: [Underwriting@mwcia.org](mailto:Underwriting@mwcia.org)

Hours: Monday–Friday, 8:00 a.m. – 4:00 p.m. Central Time

### A Notice to Membership

Pursuant to Minn R. Part 2705.3200, the Manual, Forms, and/or endorsements included in this filing do **not** require independent filing by our members.

# Effective October 1, 2025

## Minnesota Basic Manual

Rule 3 - Rating Definitions and Application of Premium Elements

Rule D

# EXHIBIT 1

CURRENT PHRASEOLOGY	PROPOSED PHRASEOLOGY	NOTES
This is a new rule. Therefore, there is no existing phraseology.	<p><b><u>D. HOME CARE SERVICES WORKERS</u></b></p> <p><u>1. Explanation</u></p> <p><u>Agency Provider Definition:</u></p> <p><u>Statute 256B defines medical assistance for needy persons including several mechanisms for workers to provide those services. The following describes how workers' compensation coverage is provided for those workers.</u></p> <p><u>a. Workers Under Section 256B.0659: Workers performing direct support services will have their workers' compensation insurance maintained by the personal care assistance provider agency for all non-excluded employment.</u></p> <p><u>b. Workers Under Section 256B.85:</u></p>	Change due to HF 3228 legislative session 2025.

# Effective October 1, 2025

## Minnesota Basic Manual

### Rule 3 - Rating Definitions and Application of Premium Elements

#### Rule D

## EXHIBIT 1

i. If employed by an agency-provider: The agency-provider must maintain workers' compensation insurance for non-excluded employment.

ii. If employed directly by a participant: The financial management services provider must require and verify that the participant maintains workers' compensation coverage for non-excluded employment.

c. Workers Under Section 256B.4911: When a worker is employed directly by a consumer-directed community supports participant, the financial management services provider must require and verify that the participant maintains workers' compensation insurance for any non-excluded employment.

d. Workers Under Section 256.476: For workers employed under the consumer support grant program, the financial management services provider must require and verify that the participant maintains workers' compensation insurance for any non-excluded employment.

# Effective October 1, 2025

## Minnesota Basic Manual

### Rule 3 - Rating Definitions and Application of Premium Elements

#### Rule D

# EXHIBIT 1

## 2. Classifications

a. Workers Under Section 256B.0659: Code 8835 must be assigned for coverage provided by a personal care assistance provider agency.

b. Workers Under Section 256B.85:

i. If employed by an agency-provider: Code 8835 must be assigned for coverage provided by an agency-provider.

ii. If employed directly by a participant: Code 0913 or Code 0908 must be assigned for coverage maintained by a participant and verified by the financial management services provider.

c. Workers Under Section 256B.4911: Code 0913 or Code 0908 must be assigned for coverage maintained by a participant and verified by the financial management services provider.

d. Workers Under Section 256.476: Code 0913 or Code 0908 must be assigned for coverage

# Effective October 1, 2025

## Minnesota Basic Manual

### Rule 3 - Rating Definitions and Application of Premium Elements

#### Rule D

# EXHIBIT 1

maintained by a participant and verified by the financial management services provider.

#### 3. Coverages

##### a. Workers' Compensation and Employers Liability Insurance

Statutory workers' compensation obligations of an employer with regard to home health care services workers may be insured by the Standard Policy.

Statutory coverage is the minimum extent of insurance protection required in an insurance contract in accordance with applicable state laws or statutes.

##### b. Voluntary Compensation Insurance

This rule does not apply in the State of Minnesota.

#### 4. Name of the Insured

a. Workers Under Section 256B.0659: The named insured is the personal care assistance provider agency.

# Effective October 1, 2025

## Minnesota Basic Manual

### Rule 3 - Rating Definitions and Application of Premium Elements

#### Rule D

# EXHIBIT 1

*b. Workers Under Section 256B.85:*

*i. If employed by an agency-provider: The named insured is the agency-provider.*

*ii. If employed directly by a participant: The named insured is the participant.*

*c. Workers Under Section 256B.4911: The named insured is the participant.*

*d. Workers Under Section 256.476: The named insured is the participant.*

#### 5. Carrier Rates and Premium

Carrier rates filed and approved for use in Minnesota by the Department of Commerce for Codes 0908 and 0913 are per capita premium charges. See **Section C. Domestic Workers – Residences, 5. Carrier Rates and Premium** – for additional information.