

A bill for an act

relating to health; aligning home care survey with assisted living licensure survey;
amending Minnesota Statutes 2022, section 144A.474, subdivisions 3, 9.

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

Section 1. Minnesota Statutes 2022, section 144A.474, subdivision 3, is amended to read:

Subd. 3. **Survey process.** The survey process for core surveys shall include the following as applicable to the particular licensee and setting surveyed:

(1) presurvey review of pertinent documents and notification to the ombudsman for long-term care;

(2) an entrance conference with available staff;

(3) communication with managerial officials or the registered nurse in charge, if available, and ongoing communication with key staff throughout the survey regarding information needed by the surveyor, clarifications regarding home care requirements, and applicable standards of practice;

(4) presentation of written contact information to the provider about the survey staff conducting the survey, the supervisor, and the process for requesting a reconsideration of the survey results;

(5) a brief tour of a sample of the housing with services establishments in which the provider is providing home care services;

(6) a sample selection of home care clients;

2.1 (7) information-gathering through client and staff observations, client and staff interviews,
2.2 and reviews of records, policies, procedures, practices, and other agency information;

2.3 (8) interviews of clients' family members, if available, with clients' consent when the
2.4 client can legally give consent; ~~and~~

Commented [MC(1)]: Delete

2.5 (9) except for complaint surveys conducted by the Office of Health Facilities Complaints,

2.6 ~~an on-site exit conference, with preliminary findings shared and discussed with the provider, within one business day of completing survey activities,~~

2.7 ~~documentation that an exit conference occurred, and~~ and with written information provided on the

2.8 ~~process for requesting a reconsideration of the survey results; and~~

Commented [MC(2)]: Add the word "with" and unstrike "written information provided on the process for requesting a reconsideration of the survey results"

2.9 ~~(10), (9)~~ postsurvey analysis of findings and formulation of survey results, including

2.10 correction orders when applicable.

Commented [MC(3)]: 2.1 Author's amendment – undo the delete for parts of this section, so that it reads "(9) except for complaint surveys conducted by the Office of Health Facilities Complaints, an exit conference with preliminary findings discussed with the provider, within one business day of completing survey activities, and with written information provided on the process for requesting a reconsideration of the survey results; and"

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

2.12 Sec. 2. Minnesota Statutes 2022, section 144A.474, subdivision 9, is amended to read:

2.13 Subd. 9. **Follow-up surveys.** For providers that have Level 3 or Level 4 violations under
2.14 subdivision 11, ~~or any violations determined to be widespread,~~ the department shall conduct
2.15 a follow-up survey within 90 calendar days of the survey. When conducting a follow-up
2.16 survey, the surveyor will focus on whether the previous violations have been corrected and
2.17 may also address any new violations that are observed while evaluating the corrections that
2.18 have been made.

Commented [MC(4)]: Undo the delete to keep this paragraph (10).

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

Add in:

Minnesota Statutes 2022, section 144A.474, subdivision 12, is amended to read:

Subd. 12. **Reconsideration.** (a) The commissioner shall make available to home care providers a correction order reconsideration process. This process may be used to challenge the correction order issued, including the level and scope described in subdivision 11, and any fine assessed. During the correction order reconsideration request, the issuance for the correction orders under reconsideration are not stayed, but the department shall post information on the website with the correction order that the licensee has requested a reconsideration and that the review is pending.

(b) A licensed home care provider may request from the commissioner, in writing, a correction order reconsideration regarding any correction order issued to the provider. The written request for reconsideration must be received by the commissioner within 15 ~~calendar~~ business days of the correction order receipt date. The correction order reconsideration shall not be reviewed by any surveyor, investigator, or supervisor that participated in the writing or reviewing of the correction order being disputed. The correction order reconsiderations may be conducted in person, by telephone, by another electronic form, or in writing, as determined by the commissioner. The commissioner shall respond in writing to the request from a home care provider for a correction order reconsideration within 60 days of the date the provider requests a reconsideration. The commissioner's response shall identify the commissioner's decision regarding each citation challenged by the home care provider.

Minnesota Statutes 2022, section 144A.4791, subdivision 10, is amended to read:

Subd. 10. **Termination of service plan.**

(a) If a home care provider terminates a service plan with a client, and the client continues to need home care services, the home care provider shall provide the client and the client's representative, if any, with a written notice of termination which includes the following information:

(1) the effective date of termination;

(2) the reason for termination;

(3) a statement that the client may contact the Office of Ombudsman for Long-Term Care to request an advocate to assist regarding the termination and contact information for the Office, including the Office's central telephone number;

~~(34)~~ a list of known licensed home care providers in the client's immediate geographic area;

~~(45)~~ a statement that the home care provider will participate in a coordinated transfer of care of the client to another home care provider, health care provider, or caregiver, as required by the home care bill of rights, section 144A.44, subdivision 1, clause (17);

~~(56)~~ the name and contact information of a person employed by the home care provider with whom the client may discuss the notice of termination; and

~~(67)~~ if applicable, a statement that the notice of termination of home care services does not constitute notice of termination of ~~the any~~ housing ~~with services~~ contract ~~with a housing with services establishment~~.