

Bill Summary

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Overview

This bill modifies the Health Care Bill of Rights and Home Care Bill of Rights, makes changes to statutes regulating nursing homes and home care providers, modifies requirements for reporting maltreatment of vulnerable adults, establishes working groups to examine and make recommendations on assisted living and dementia care licensing, dementia care certification, and an assisted living report card, and requires reports to the legislature.

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- 1 **Grievances.** Amends § 144.651, subd. 20. Amends a subdivision in the Health Care Bill of Rights regarding patient or resident grievances, to allow patients and residents to exercise any of their rights provided in the Health Care Bill of Rights free from restraint, interference, coercion, discrimination, reprisal, or threat of discharge.
- 2 **Correction orders.** Amends § 144A.10, subd. 4. When a nursing home receives a correction order from the commissioner of health regarding licensing violations or violations related to the maltreatment of vulnerable adults, requires the facility to develop and submit to the commissioner a corrective action plan. Lists what the corrective action plan must include. Provides that the commissioner is presumed to accept a submitted plan unless the commissioner notifies the submitting facility to the contrary within 15 calendar days after submission. Requires the commissioner to monitor the facility's compliance with its corrective action plan.
- 3 **Statement of rights.** Amends § 144A.44, subd. 1. Amends the Home Care Bill of Rights, to provide that a person receiving home care services has the right to recommend changes in the home care provider's policies and services to the provider, provider staff, and others free

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from restraint, interference, coercion, discrimination, reprisal, or threat of termination of discharge.

- 4 **Temporary license.** Amends § 144A.473, subd. 2. Requires the commissioner of health to survey a temporary licensee within 90 days after the commissioner is notified or has evidence that the temporary licensee is providing home care services. Also changes a term used, from license year to license period.
- 5 **Types of home care surveys.** Amends § 144A.474, subd. 2. In a subdivision governing different types of home care surveys conducted by the commissioner of health, defines change in ownership survey, and requires such surveys to be completed within six months after issuance of a new license due to a change in ownership.
- 6 **Correction orders.** Amends § 144A.474, subd. 8. When a home care provider receives a correction order from the commissioner of health regarding a violation of home care provider statutes, requires the home care provider to submit to the commissioner a corrective action plan. Lists what the corrective action plan must include. Provides that the commissioner is presumed to accept a submitted plan unless the commissioner notifies the submitting provider to the contrary within 15 calendar days after submission. Requires the commissioner to monitor the provider's compliance with its corrective action plan.
- 7 **Powers.** Amends § 144A.53, subd. 1. In a subdivision listing powers of the director of the Office of Health Facility Complaints, specifies that the director has authority to issue correction orders and assess fines for all licensing violations or maltreatment determinations, including those identified in an appeal or review process.
- 8 **Safety and quality improvement technical panel.** Adds subd. 5 to § 144A.53. Directs the director of the Office of Health Facility Complaints to establish a technical panel to examine and make recommendations on how to apply safety and quality improvement practices and infrastructure to long-term care providers and settings. Specifies who must be included in the technical panel, and requires the panel to also provide recommendations to the legislature on any legislative changes needed to promote safety and quality improvement practices in long-term care settings and with long-term care providers.
- 9 **Training and operations panel.** Adds subd. 6 to § 144A.53. Requires the director of the Office of Health Facility Complaints to establish a training and operations panel in the office to make recommendations on how to improve office operations. Specifies composition of the training and operations panel, and lists duties:
 - developing training processes for office employees;
 - developing consistent internal policies for conducting investigations, communicating these policies to staff, and conducting ongoing evaluations and modifications to these policies;
 - developing and refining quality control measures for the intake and triage processes;
 - developing and maintaining systems and procedures to determine when the office has jurisdiction over a maltreatment allegation;
 - developing and maintaining audit procedures for investigations;
 - developing and maintaining procedures to clearly communicate appeal or review rights;

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- upgrading the office's Web site to provide information on appeal or review rights; and
- publishing the public portions of investigation memoranda from the past three years, and the public portions of final orders from the past three years relating to licensing violations.

10 Immunity; protection for reporters. Amends § 626.557, subd. 5. Adds a cross-reference to a subdivision specifying circumstances under which the identity of a maltreatment reporter may be disclosed.

11 Lead investigative agency; notifications, dispositions, determinations. Amends § 626.557, subd. 9c. In paragraph (a), removes a requirement that a reporter must request that the lead investigative agency (1) notify the reporter that the agency received the report and (2) provide the reporter with information on initial disposition; with this change, the agency would provide this information to all reporters. If a vulnerable adult who is the subject of a maltreatment report, or the vulnerable adult's guardian or health care agent, inquires, allows the lead investigative agency to disclose to the inquiring person whether the lead investigative agency received a report from a facility regarding maltreatment of the vulnerable adult.

The amendments to paragraph (e) require the lead investigative agency to notify the reporter (1) when the agency cannot complete its final disposition within 60 days; and (2) if the agency cannot complete its final disposition by a subsequent projected completion date.

The amendment to paragraph (f) makes it mandatory for the lead investigative agency to provide a copy of the public investigation memorandum to the reporter (rather than requiring the reporter to request it).

12 Education requirements. Amends § 626.557, subd. 9e. Requires the commissioner of health and commissioner of human services to develop and maintain written guidance materials for facilities and providers to use to comply with the reporting requirements in this section, and the reporting requirements in federal law for facilities subject to those requirements.

13 Data management. Amends § 626.557, subd. 12b. In their biennial reports to the legislature, requires the commissioner of health and commissioner of human services to always include recommendations for preventing, addressing, and responding to substantiated maltreatment (current law requires such recommendations if there are upward trends for types of substantiated maltreatment).

14 Retaliation prohibited. Amends § 626.557, subd. 17. In a subdivision prohibiting retaliation against a person who reports suspected maltreatment or against a vulnerable adult who is a subject of a report, provides that any restriction of a right specified in the Home Care Bill of Rights or in the Assisted Living Addendum by a facility or provider against the reporter or vulnerable adult within 90 days after the report, is an adverse action and presumed to be retaliatory conduct.

15 Report; safety and quality improvement practices. By January 15, 2019, requires the safety and quality improvement technical panel to provide recommendations to the legislature on:

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- implementing an adverse health events reporting system for long-term care settings; and
- interim actions to allow for analysis of reports and complaints submitted to the Office of Health Facility Complaints, to identify common themes and key prevention opportunities.

16 Report; process in meeting investigation deadlines. Requires the commissioner of health to report to the chairs and ranking minority members of the legislative committees with jurisdiction over health care or aging and long-term care, regarding the Office of Health Facility Complaints' progress toward achieving compliance with the deadlines in state and federal law for triaging, investigating, and making final dispositions of cases alleging maltreatment of a vulnerable adult. Makes these reports from the commissioner due September 15, 2018; March 15, 2019; and September 15, 2019.

17 Report and recommendations; immediate penalties for serious violations of state law. Requires the commissioner of health to develop a proposal to allow the commissioner to impose immediate penalties on long-term care facilities and providers for serious violations of state law. Specifies what the proposal must include, and requires it to be developed in consultation with the listed interest groups. Requires the proposal to be submitted to the chairs and ranking minority members of the legislative committees with jurisdiction over health care or again and long-term care by January 15, 2019.

18 Assisted living and dementia care licensing working group. Establishes an assisted living and dementia care licensing working group within the Department of Health.

Subd. 1. Establishment; membership. Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

Subd. 2. Duties; recommendations. Requires the working group to consider and make recommendations on a new regulatory framework for assisted living and dementia care, and lists items the framework must address.

Subd. 3. Meetings. Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

Subd. 4. Compensation. Provides that members of the working group shall serve without compensation or reimbursement for expenses.

Subd. 5. Administrative support. Requires the commissioner of health to provide administrative support to the working group.

Subd. 6. Report. By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

Subd. 7. Expiration. Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

19 Dementia care certification working group. Establishes a dementia care certification working group within the Department of Health.

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Subd. 1. Establishment; membership. Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

Subd. 2. Duties; recommendations. Requires the working group to consider and make recommendations on the certification of providers offering dementia care to clients diagnosed with dementias, and lists items the working group must address.

Subd. 3. Meetings. Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

Subd. 4. Compensation. Provides that members of the working group shall serve without compensation or reimbursement for expenses.

Subd. 5. Administrative support. Requires the commissioner of health to provide administrative support to the working group.

Subd. 6. Report. By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

Subd. 7. Expiration. Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

- 20 **Assisted living report card working group.** Establishes an assisted living report card working group with the Department of Human Services.

Subd. 1. Establishment; membership. Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

Subd. 2. Duties. Requires the working group to consider and make recommendations on the development of an assisted living report card, and lists quality metrics that must be considered.

Subd. 3. Meetings. Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

Subd. 4. Compensation. Provides that members of the working group shall serve without compensation or reimbursement for expenses.

Subd. 5. Administrative support. Requires the commissioner of human services to provide administrative support to the working group.

Subd. 6. Report. By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

Subd. 7. Expiration. Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

- 21 **Appropriations.** Makes a blank appropriation to the commissioner of health for the dementia care certification working group and the assisted living and dementia care licensing working group. Also makes a blank appropriation to the commissioner of human services for the assisted living report card working group.