

H.F. 3142 - MDH Omnibus Policy Bill

MDH's Omnibus Policy bill contains five overall proposals: trauma system changes; home care housekeeping; improving the process for temporary immediate suspension of home care providers; hearing instrument dispenser housekeeping; and streamlining temporary food business licensing.

Trauma System Changes

The current process for designating a Level 4 trauma hospital requires a two-step designation process, first on paper and then on site 12-18 months later. This creates duplication of preparation by the hospital as well as by MDH staff and the Statewide Trauma Advisory Council (STAC) and a delay in hospitals receiving quality improvement feedback from the site visit. This proposal collapses these two review processes into one, eliminating duplicative work and expediting site review feedback to the hospitals. This process is in alignment with the process for designating level 3 trauma hospitals.

This proposal also seeks to expand the STAC "pediatrician" appointment eligibility to include a pediatric trauma surgeon. Current language does not permit this. In addition, the proposal seeks to clarify that eligible pediatricians must be certified in Pediatric Emergency Medicine.

Home Care Housekeeping

This proposal makes 3 clarifying changes:

- 1) Clarify that a temporary license may not last an entire year if the provider is surveyed and does not meet the substantial compliance standard. The

proposed change would allow temporary licenses to last "up to" a year.

- 2) Change the name of the Home Care Provider Advisory Council. The current name in statute (Department of Health Licensed Home Provider Care Advisory Council) reflects neither the composition nor the mission of the advisory council. This proposal is to change the name to the Department of Health Home Care and Assisted Living Program Advisory Council.
- 3) Remove an inaccurate statement in Minnesota Statutes, section 144A.482, paragraph (e) that requires individuals who provide home management services to attend an orientation session approved by the commissioner. The commissioner does not currently approve any training programs in these areas.

Improving the Process for a Temporary Immediate Suspension of Home Care Providers

This proposal enables MDH to better protect vulnerable individuals receiving home care services when there is a health and safety emergency. The proposal removes the requirement that MDH first issue a correction order and allow time to

correct the violation for *all violations* that warrant a temporary suspension. Instead, MDH would be able to temporarily suspend a home care license, or issue a conditional license, immediately when level 4 violations are identified that have resulted in serious injury, impairment, or death or there is an imminent risk of harm to persons in the providers care. The immediate suspension action means that care for all individuals is addressed and planned for immediately. This allows other steps to be taken to protect and provide adequate services to the vulnerable individuals needing those services. The provider's due process rights are still maintained.

Hearing Instrument Dispenser Housekeeping

This proposal makes three clarifying changes:

- 1) Changes the statute to allow for online applications. Current law requires paper renewal applications to be sent with the renewal notice. Applicants for renewal now complete their application online.
- 2) Clarifies that the commissioner administers only the practical examination. The International Hearing Society (IHS) owns the written portion of the hearing instrument dispenser examination. In 2014, IHS assumed administration of the written portion of the examination. This change also clarifies that the prohibition on taking the exam more than three times in a two-year period applies only to the practical exam administered by the commissioner.
- 3) Updates a provision to allow notice of disciplinary action by certified mail, which is consistent with Rule 5 of the Minnesota Rules of Civil Procedure.

Streamlining Temporary Food Business Licensing

Current law requires licensed food carts, mobile food units, seasonal temporary food stands and seasonal permanent food stands to post a state-issued decal in addition to their operating license. MDH proposes removing the redundant decal requirement.

Second, current law has two requirements for special event food stands: "operates no more than three times annually" and "operates for no more than 10 days". This creates confusion and gives some businesses an unfair advantage in using this license type to its maximum potential. MDH proposes to eliminate the 3 times annually requirement and allow special event food stands to operate for no more than 10 days annually.

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