



Protecting, maintaining and improving the health of all Minnesotans

January 11, 2012

Walter Kummer, Associate Regional Administrator
Chicago Division of Survey and Certification
233 N. Michigan Avenue, Suite 600
Chicago, IL 60601

Dear Mr. Kummer:

During Minnesota's 2011 legislative session, the legislature amended Minnesota Statutes 144A.102 Waiver from Federal Rules and Regulations, directing the Minnesota Department of Health to apply for federal waivers as follows:

(b) By January 2012, the commissioner of health shall work with providers and the ombudsman for long-term care to examine state and federal rules and regulations governing the provision of care in licensed nursing facilities and apply for federal waivers and identify necessary changes in state law to:

(1) eliminate the requirement for written plans of correction from nursing homes for federal deficiencies issued at a scope and severity that is not widespread, harmful, or in immediate jeopardy; and

(2) issue the federal survey form electronically to nursing homes.

The commissioner shall issue a report to the legislative chairs of the committees with jurisdiction over health and human services by January 31, 2012, on the status of implementation of this paragraph.

MDH is requesting two waivers. The first is a waiver from requirements relative to Plans of Correction, Chapter 7, Survey and Enforcement Processes for Skilled Nursing Facilities and Nursing Facilities, of the State Operations Manual. Specifically:

- **Authority to waive the written Plan of Correction (POC) for those cases of noncompliance that have deficiencies at a scope and severity of level E or below.**

The second waiver requested is:

- **Authorization to issue the 2567 electronically to, and receive the Plan of Correction (POC) electronically from, skilled nursing facilities and nursing facilities.**

MDH is pleased with CMS' recent decision to elevate the national CMS priorities that now include development of the capacity to electronically issue 2567s and submit and receive POCs.

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MDH believes that a common and consistent approach nationally by CMS to permit submission of these documents electronically will be an effective and efficient outcome for providers, CMS and state agencies. If CMS pursues implementing this nationally, MDH will collaborate with all involved so that this project continues to move forward and remains a CMS priority. If CMS does not pursue national implementation at this time, MDH will need a waiver or authorization to submit the documents electronically.

In both cases, we would welcome the opportunity to discuss these waivers with you or other Region V staff.

Thank you very much for your assistance and consideration of our request. If you have questions about this request, please contact Mary Absolon, mary.absolon@state.mn.us or 651-201-4100, or me darcy.miner@state.mn.us or 651-201-3700.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner". The signature is written in a cursive style with a horizontal line above the name.

Darcy Miner, Director
Compliance Monitoring Division
Minnesota Department of Health
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