

1.1 moves to amend H.F. No. 927, the delete everything amendment
1.2 (A11-0177), as follows:

1.3 Page 166, line 33, delete "ten" and insert "12"

1.4 Page 260, after line 29, insert:

1.5 "Sec. 33. [256B.0961] STATE QUALITY ASSURANCE, QUALITY
1.6 IMPROVEMENT, AND LICENSING SYSTEM.

1.7 Subdivision 1. Scope. (a) In order to improve the quality of services provided to
1.8 Minnesotans with disabilities and to meet the requirements of the federally approved
1.9 home and community-based waivers under section 1915c of the Social Security Act, a
1.10 State Quality Assurance, Quality Improvement, and Licensing System for Minnesotans
1.11 receiving disability services is enacted. This system is a partnership between the
1.12 Department of Human Services and the State Quality Council established under
1.13 subdivision 3.

1.14 (b) This system is a result of the recommendations from the Department of Human
1.15 Services' licensing and alternative quality assurance study mandated under Laws 2005,
1.16 First Special Session chapter 4, article 7, section 57, and presented to the legislature
1.17 in February 2007.

1.18 (c) The disability services eligible under this section include:

1.19 (1) the home and community-based services waiver programs for persons with
1.20 developmental disabilities under section 256B.092, subdivision 4, or section 256B.49,
1.21 including traumatic brain injuries and services for those who qualify for nursing facility
1.22 level of care or hospital facility level of care;

1.23 (2) home care services under section 256B.0651;

1.24 (3) family support grants under section 252.32;

1.25 (4) consumer support grants under section 256.476;

1.26 (5) semi-independent living services under section 252.275; and

2.1 (6) services provided through an intermediate care facility for the developmentally
2.2 1.27 disabled.

2.3 (d) For purposes of this section, the following definitions apply:

2.4 (1) "commissioner" means the commissioner of human services;

2.5 (2) "council" means the State Quality Council under subdivision 3;

2.6 (3) "Quality Assurance Commission" means the commission under section
2.7 256B.0951; and

2.8 (4) "system" means the State Quality Assurance, Quality Improvement and 2.7
2.9 Licensing System under this section.

2.10 Subd. 2. **Duties of the commissioner of human services.** (a) The commissioner of
2.11 human services shall establish the State Quality Council under subdivision 3.

2.12 (b) The commissioner shall initially delegate authority to perform licensing
2.13 functions and activities according to section 245A.16 to a host county in Region 10. The
2.14 commissioner must not license or reimburse a participating facility, program, or service
2.15 located in Region 10 if the commissioner has received notification from the host county
2.16 that the facility, program, or service has failed to qualify for licensure.

2.17 (c) The commissioner may conduct random licensing inspections based on outcomes
2.18 adopted under section 256B.0951, subdivision 3, at facilities or programs, and of services
2.19 eligible under this section. The role of the random inspections is to verify that the system
2.20 protects the safety and well-being of persons served and maintains the availability of
2.21 high-quality services for persons with disabilities.

2.22 (d) The commissioner shall ensure that the federal home and community-based
2.23 waiver requirements are met and that incidents that may have jeopardized safety and health
2.24 or violated services-related assurances, civil and human rights, and other protections
2.25 designed to prevent abuse, neglect, and exploitation, are reviewed, investigated, and
2.26 acted upon in a timely manner.

2.27 (e) The commissioner shall seek a federal waiver by July 1, 2012 to allow
2.28 intermediate care facilities for persons with developmental disabilities to participate in
2.29 this system.

2.30 Subd. 3. **State Quality Council.** (a) There is hereby created a State Quality
2.31 Council which must define regional quality councils, and carry out a community-based,
2.32 person-directed quality review component, and a comprehensive system for effective
2.33 incident reporting, investigation, analysis, and follow-up.

2.34 (b) By August 1, 2011, the commissioner of human services shall appoint the
2.35 members of the initial State Quality Council. Members shall include representatives
2.36 from the following groups:

- 3.1 (1) disability service recipients and their family members;
- 3.2 (2) during the first two years of the State Quality Council, there must be at least three
- 3.3 members from the Region 10 stakeholders. As regional quality councils are formed under
- 3.4 subdivision 4, each regional quality council shall appoint one member;
- 3.5 (3) disability service providers;
- 3.6 (4) disability advocacy groups; and
- 3.7 (5) county human services agencies and staff from the Departments of Human
- 3.8 Services and Health, and Ombudsman for Mental Health and Developmental Disabilities;
- 3.9 (c) Members of the council who do not receive a salary or wages from an employer
- 3.10 for time spent on council duties may receive a per diem payment when performing council
- 3.11 duties and functions.
- 3.12 (d) The State Quality Council shall:
- 3.13 (1) assist the Departments of Human Services and Health in fulfilling federally
- 3.14 mandated obligations by monitoring disability service quality and quality assurance and
- 3.15 improvement practices in Minnesota; and
- 3.16 (2) establish state quality improvement priorities with methods for achieving results
- 3.17 and provide an annual report to the legislative committees with jurisdiction over policy
- 3.18 and funding of disability services on the outcomes, improvement priorities, and activities
- 3.19 undertaken by the commission during the previous state fiscal year.
- 3.20 (e) The State Quality Council, in partnership with the commissioner, shall:
- 3.21 (1) approve and direct implementation of the community-based, person-directed
- 3.22 system established in this section;
- 3.23 (2) recommend an appropriate method of funding this system, and determine the
- 3.24 feasibility of the use of Medicaid, licensing fees, as well as other possible funding options;
- 3.25 (3) approve measurable outcomes in the areas of health and safety, consumer
- 3.26 evaluation, education and training, providers, and systems;
- 3.27 (4) establish variable licensure periods not to exceed three years based on outcomes
- 3.28 achieved; and
- 3.29 (5) in cooperation with the Quality Assurance Commission, design a transition plan
- 3.30 for licensed providers from Region 10 into the alternative licensing system by July 1, 2013.
- 3.31 (f) The State Quality Council shall notify the commissioner of human services that a
- 3.32 facility, program, or service has been reviewed by quality assurance team members under
- 3.33 subdivision 4, paragraph (b), clause (13), and qualifies for a license.
- 3.34 (g) The State Quality Council, in partnership with the commissioner, shall establish
- 3.35 an ongoing review process for the system. The review shall take into account the
- 3.36 comprehensive nature of the system which is designed to evaluate the broad spectrum of

4.1 licensed and unlicensed entities that provide services to persons with disabilities. The
4.2 review shall address efficiencies and effectiveness of the system.

4.3 (h) The State Quality Council may recommend to the commissioner certain
4.4 variances from the standards governing licensure of programs for persons with disabilities
4.5 in order to improve the quality of services so long as the recommended variances do
4.6 not adversely affect the health or safety of persons being served or compromise the
4.7 qualifications of staff to provide services.

4.8 (i) The safety standards, rights, or procedural protections referenced under
4.9 subdivision 2, paragraph (c), shall not be varied. The State Quality Council may make
4.10 recommendations to the commissioner or to the legislature in the report required under
4.11 paragraph (c) regarding alternatives or modifications to the safety standards, rights, or
4.12 procedural protections referenced under subdivision 2, paragraph (c).

4.13 (j) The State Quality Council may hire staff to perform the duties assigned in this
4.14 4.14 subdivision.

4.15 Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as
4.16 selected by the State Quality Council, regional quality councils of key stakeholders,
4.17 including regional representatives of:

4.18 (1) disability service recipients and their family members;

4.19 (2) disability service providers;

4.20 (3) disability advocacy groups; and

4.21 (4) county human services agencies and staff from the Departments of Human
4.22 Services, and Health, and Ombudsman for Mental Health and Developmental Disabilities.

4.23 (b) Each regional quality council shall:

4.24 (1) direct and monitor the community-based, person-directed quality assurance
4.25 system in this section;

4.26 (2) approve a training program for quality assurance team members under clause
4.27 (13);

4.28 (3) review summary reports from quality assurance team reviews and make
4.29 recommendations to the State Quality Council regarding program licensure;

4.30 (4) make recommendations to the State Quality Council regarding the system;

4.31 (5) resolve complaints between the quality assurance teams, counties, providers,
4.32 persons receiving services, their families, and legal representatives;

4.33 (6) analyze and review quality outcomes and critical incident data reporting
4.34 incidents of life safety concerns immediately to the Department of Human Services
4.35 licensing division;

5.1 (7) provide information and training programs for persons with disabilities and their
5.2 families and legal representatives on service options and quality expectations;

5.3 (8) disseminate information and resources developed to other regional quality
5.4 councils;

5.5 (9) respond to state-level priorities;

5.6 (10) establish regional priorities for quality improvement;

5.7 (11) submit an annual report to the State Quality Council on the status, outcomes,
5.8 improvement priorities, and activities in the region;

5.9 (12) choose a representative to participate on the State Quality Council and assume
5.10 other responsibilities consistent with the priorities of the State Quality Council; and

5.11 (13) recruit, train, and assign duties to members of quality assurance teams, taking
5.12 into account the size of the service provider, the number of services to be reviewed,
5.13 the skills necessary for the team members to complete the process, and ensure that no
5.14 team member has a financial, personal, or family relationship with the facility, program,
5.15 or service being reviewed or with anyone served at the facility, program, or service.

5.16 Quality assurance teams must be comprised of county staff, persons receiving services
5.17 or the person's families, legal representatives, members of advocacy organizations,
5.18 providers, and other involved community members. Team members must complete
5.19 the training program approved by the regional quality council and must demonstrate
5.20 performance-based competency. Team members may be paid a per diem and reimbursed
5.21 for expenses related to their participation in the quality assurance process.

5.22 (c) The commissioner shall monitor the safety standards, rights, and procedural
5.23 protections for the monitoring of psychotropic medications and those identified under
5.24 sections 245.825; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2)
5.25 and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b, clause
5.26 (7); 626.556; and 626.557.

5.27 (d) The regional quality councils may hire staff to perform the duties assigned in
5.28 this subdivision.

5.29 (e) The regional quality councils may charge fees for their services.

5.30 (f) The quality assurance process undertaken by a regional quality council consists of
5.31 an evaluation by a quality assurance team of the facility, program, or service. The process
5.32 must include an evaluation of a random sample of persons served. The sample must be
5.33 representative of each service provided. The sample size must be at least five percent but
5.34 not less than two persons served. All persons must be given the opportunity to be included
5.35 in the quality assurance process in addition to those chosen for the random sample.

6.1 (g) A facility, program, or service may contest a licensing decision of the regional
 6.2 quality council as permitted under chapter 245A.

6.3 Subd. 5. **Annual survey of service recipients.** The commissioner, in consultation
 6.4 with the State Quality Council, shall conduct an annual independent statewide survey
 6.5 of service recipients, randomly selected, to determine the effectiveness and quality
 6.6 of disability services. The survey must be consistent with the system performance
 6.7 expectations of the Centers for Medicare and Medicaid Services (CMS) Quality
 6.8 Framework. The survey must analyze whether desired outcomes for persons with different
 6.9 demographic, diagnostic, health, and functional needs, who are receiving different types
 6.10 of services in different settings and with different costs, have been achieved. Annual
 6.11 statewide and regional reports of the results must be published and used to assist regions,
 6.12 counties, and providers to plan and measure the impact of quality improvement activities.

6.13 Subd. 6. **Mandated reporters.** Members of the State Quality Council under
 6.14 subdivision 3, the regional quality counsels under subdivision 4, and quality assurance
 6.15 team members under subdivision 4, paragraph (b), clause (13), are mandated reporters as
 6.16 defined in sections 626.556, subdivision 3, and 626.5572, subdivision 16.

6.17 **EFFECTIVE DATE.** (a) Subdivisions 1 to 6 are effective July 1, 2011.

6.18 (b) The jurisdictions of the regional quality councils in subdivision 4 must be
 6.19 defined, with implementation dates, by July 1, 2012. During the biennium beginning
 6.20 July 6.20 1, 2011, the Quality Assurance Commission shall continue to implement the
 6.21 alternative licensing system under this section. An additional two regional quality
 6.22 counsels must begin implementation on July 1, 2012, and the final three regional quality
 6.23 counsels must begin implementation on July 1, 2013."

6.24 Page 323, after line 8, insert:

6.25 "**Region 10.** Of this appropriation, \$450,000
 6.26 is for the biennium beginning July 1, 2011,
 6.27 to administer the State Quality Assurance,
 6.28 Quality Improvement, and Licensing
 6.29 System under Minnesota Statutes, section
 6.30 256B.0961. Of this appropriation, \$200,000
 6.31 is for the State Quality Council and \$250,000
 6.32 is for the continuation of Region 10 Quality
 6.33 Assurance."

6.34 Renumber the sections in sequence and correct the internal references

6.35 Amend the title accordingly

7.1 Correct the section totals and the appropriations by fund