

Health Regulation Division: Regulation and Oversight of Long Term Care Providers

NURSING HOMES, HOME CARE, HOUSING-WITH-SERVICES, AND
ASSISTED LIVING SETTINGS.

Overview

The Health Regulation Division (HRD) in the Minnesota Department of Health is a regulatory division regulating over thirty types of provider groups including long term care providers such as nursing homes, home care providers, housing-with-services, and assisted living settings. HRD enforces both state and federal regulatory requirements. HRD conducts the following types of oversight for long term care providers depending on statutory authority:

- Reviews license and federal certification applications;
- Conducts blue print physical plant reviews and onsite inspections for nursing homes;
- Conducts health care inspections (surveys);
- Takes complaints and investigates;
- Determines whether allegations under Vulnerable Adults Act are substantiated;
- Monitors compliance with plans of correction and takes enforcement actions including fines;
- Provides provider and consumer information;

Nursing Homes

There are 364 licensed nursing homes with 28,796 beds. Most nursing homes are also federally certified meaning they can obtain

federal Medicare and Medicaid reimbursement. Nursing homes serve residents who require health evaluations and treatment and nurse care on an inpatient basis, but whose care is not acute care which is provided in hospitals.

In addition to health care surveys conducted every year, nursing home regulations include physical plant and fire safety surveys. The most common types of health care violations are: services not being provided as per care plan; infection control; issues with the provision of nurse services.

Home Care Providers

There are 1,430 licensed and of these, 200 are also federally certified. There are two types of state licenses: Basic and Comprehensive. HRD does not license each bed in home care. Home Care providers provide a wide range of services from “activities of daily living” like bathing and grooming all the way to complex medical care all within the client’s home. A client’s home is a private home, or an apartment in a Housing with Services setting.

In the 2013 legislative session, significant changes were made to home care licensing laws including streamlining licensing

categories, increasing entry requirements, adding a temporary license, and increasing the budget to be able to survey every home care provider every three years. HRD is in year-three of the initial five-year implementation phase. Unlike Nursing homes, there are no healthcare based physical plant requirements in home care settings.

The most common types of violations are:

Basic License: not having an individual abuse prevention plan as required by the VAA; not having a TB prevent plan in place; contents of service plan are an issue.

Comprehensive License: contents of service plan are an issue; issues with individual treatment/therapy plan; medications management.

Housing with Services Settings (HWS)

There are 1,474 registered HWSs. The standard is not a license, but a registration. HWSs provides sleeping accommodations to one or more adults, at least 80% of which are 55 years old and offer, for a fee, one or more regularly scheduled health related services or two or more regularly scheduled supportive services. (Health services include nursing services; and supportive services include transportation services, laundry, dining). There are no health care related physical plant standards.

As a registration, HRD has no inspection authority. HRD reviews applications, and ensures that the applicants have complied with the Uniform Consumer Information Guide requirements.

Some cognitively impaired persons are cared for in HWSs. Some of these HWSs are also “designated” as an Assisted Living (see

below description). HRD is learning that some HWSs care for cognitively impaired persons without designating as an Assisted Living which is allowed under the laws. There are 529 HWSs that care for cognitively impaired persons (specific dementia programs) under their licensed home care license without also being designated as an assisted living.

Assisted Living Designations

Out of the 1,474 registered HWSs, there are 1,144 Assisted Living (AL) “designations” with a capacity to serve 51,323 persons. All ALs must be in registered HWSs. (But being an AL is not required to care for cognitively impaired persons).

In order to be authorized by statute to use the protected title, “assisted living”, a HWS establishment must provide the necessary assessment of the physical and cognitive needs of the clients by an RN, have a system for checking on each client at least daily, provide a way for clients to request assistance for health and safety needs 24 hours a day, seven days a week, and have a person available 24 hours per day, among other requirements. Other than “designating” the ALs in the state, HRD does not have additional oversight authority over ALs.