

House Research Act Summary

CHAPTER: 319

SESSION: 2000 Regular Session

TOPIC: Health-Related Licensing and Vulnerable Adults

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Overview

This act shifts the authority to determine whether a licensed health professional is disqualified from direct patient contact from the department of human services (DHS) to the health-related licensing boards. Previously, if a background check revealed a potentially disqualifying characteristic, DHS determined whether the professional fits the statutory criteria prohibiting direct patient contact. This act also makes changes to related definitions of maltreatment and neglect.

- 1 **Disqualification.** Provides that for purposes of determining whether an individual is disqualified from having direct patient contact based on prior bad acts, if the individual is licensed by a health-related licensing board, the board will make the determination, not the department of human services.
Alters the definition of "serious maltreatment" by removing reference to maltreatment resulting in the lower standard of "harm." Retains reference to maltreatment resulting in "serious injury."
- 2 **Health-related licensing boards; determinations regarding disqualifications.** (a) Requires health-related licensing boards to determine whether someone is disqualified from providing direct patient contact if a background study reveals a potentially disqualifying factor. Provides that the determination may be made as part of the existing health-related licensing board complaint, investigation, and hearing process. Requires a determination within 90 days of notification of a potentially disqualifying factor. Provides that the boards also have jurisdiction over previously disqualified non-licensed individuals who subsequently seek licensure.
(b) When making a disqualification determination, requires the boards to consider:
 - (1) the nature and extent of any injury or harm resulting from the potentially disqualifying conduct;
 - (2) the seriousness of the misconduct;
 - (3) the extent that disqualification is necessary to protect patients, clients, or the public;

and

(4) other factors specified in the background check law.

(c) Requires the boards to determine the duration and extent of any disqualification. Permits the boards to place conditions on a licensee short of total disqualification. Requires the boards to notify the appropriate state agency of a determination.

- 3 **Neglect.** Alters the definition of neglect in the Vulnerable Adults Reporting Act relating to the commission of a single mistake in providing care to a vulnerable adult. Replaces "mistake" with "error." Generally, provides that nonrecurring, insignificant errors in providing care that are promptly mitigated, reported, and documented do not constitute neglect.
- 4 **Right to petition for licensing board review.** Permits health professionals previously disqualified because of "substantiated maltreatment of a vulnerable adult" after October 1, 1995 to petition for review under section 2. Requires the commissioner of human services to notify eligible individuals.
- 5 **Coordination of activity regarding licensed professionals.** Requires DHS, MDH, the health-related licensing boards, and representatives of licensed and nonlicensed health professionals to study and make recommendations about investigatory and disciplinary practices, considering efficiency, non-duplication of efforts, and due process. Requires recommendations by January 15, 2001.