

House Research Act Summary

CHAPTER: 247

SESSION: 2004 Regular Session

TOPIC: Nursing Facility Survey Process

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Overview

This act makes changes related to the federally required nursing facility survey process. The act establishes new procedures, requires an annual quality improvement report, provides additional requirements for provider and surveyor training, requires progress reports, and makes other related changes.

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- 1 **Training and education for nursing facility providers.** Amends § 144A.10, subd. 1a. Modifies existing requirements that apply to the Commissioner of Health's role in training and educating providers about new regulations. Requires training of long-term care providers and survey inspectors to be done jointly. Requires the commissioner to consult with experts to develop or make available training resources on current standards of practice and the use of technology. Eliminates language requiring the commissioner, within available resources, to develop clinical standards, conduct joint work related to hazards, and identify areas of research.
- 2 **Agency quality improvement program; annual report on survey process.** Amends § 144A.10, by adding subd. 17. (a) Directs the commissioner to establish a quality improvement program for the nursing facility survey and complaint process, and to consult with specified parties in implementing the program. Requires the commissioner to submit to the legislature an annual quality improvement report, beginning December 15, 2004.
 - (b) Specifies areas of analysis that must be included in the report.
 - (c) Requires the report to identify and explain inconsistencies and patterns across state

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regions, include analyses and recommendations for quality improvement, and provide action plans to address problems identified.

3 **Procedures for federally required survey process.** Adds § 144A.101. Requires the commissioner to follow various procedures as part of the federal survey process.

Subd. 1. Applicability. States that the section applies to certification and enforcement activities by the commissioner related to regular, expanded, or extended federal surveys.

Subd. 2. Statement of deficiencies. Requires the commissioner to provide facilities with draft statements of deficiencies at the time of the survey exit process, and with completed statements of deficiencies within 15 working days of the exit process.

Subd. 3. Surveyor notes. Requires the commissioner, upon request, to provide facilities with formal surveyor notes, excluding interview forms, at the time of the exit conference or when the completed statement of deficiencies is provided. Requires survey notes to be redacted to protect confidentiality. Requires facilities to pay for the cost of copying and redacting.

Subd. 4. Posting of statements of deficiencies. Requires the commissioner to include a facility's response to citations and other specified information, when posting facility deficiencies on the agency web site. Requires the commissioner to note on the web site if deficiencies are under dispute.

Subd. 5. Survey revisits. Requires the commissioner to conduct revisits within 15 calendar days of the date by which corrections will be completed, in cases when category 2 or 3 remedies are in place. Allows the commissioner to conduct revisits by phone or written communications, if the highest scope and severity score does not exceed level E.

Subd. 6. Family councils. Requires family councils to be interviewed as part of the survey process and invited to participate in the exit conference.

4 **Interagency agreement with the department of health.** Amends § 256.01, by adding subd. 21. Requires the Commissioner of Human services to amend the interagency agreement with the Commissioner of Health related to certification of nursing facilities for participation in MA, to require the Commissioner of Health to comply, beginning July 1, 2005, with action plans included in the annual quality improvement report required under § 144A.10, subd. 17.

5 **Progress report.** Requires the Commissioner of Health to include in the quality improvement report due December 15, 2004 progress reports and implementation plans on: (1) an analysis of and plan to minimize defensive documentation; (2) the nursing home providers work group; and (3) independent informal dispute resolution.

6 **Resubmittal of requests for federal waivers and approvals.** Requires the Commissioner of Health to seek federal waivers, approvals, and law changes necessary to implement the alternative nursing home survey process. Requires the commissioner to seek changes in the federal policy that mandates imposition of sanctions without an opportunity to correct, solely

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as a result of a facility's previous deficiencies.