

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Provider Training and Education

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### Overview

This bill contains provisions related to quality of care in nursing facilities and health department regulation of nursing facilities. The bill requires the commissioner of health to establish a training and education program, requires survey findings to be made public, allows training programs to continue operation, and prohibits the commissioner from issuing immediate jeopardy findings in certain situations. The bill also requires the commissioner to seek waivers and law changes, sets certain standards for patient care, and appropriates money for research on falls, physical restraints, and patient care.

### Section

- 1 Training and education for nursing facility providers.** Amends § 144A.10, by adding subd. 1a. Requires the commissioner of health to establish and implement a process and program for providing training and education to providers licensed by the department of health, prior to using any new regulatory guideline or other materials used in surveyor training. Requires the process to: (1) establish clear and objective clinical standards that are applied uniformly; (2) facilitate dialogue with vendors; (3) facilitate the implementation of immediate revisions to any course curriculum; (4) conduct or identify research and share this with the long-term care industry; (5) identify alternative options and share information about "best practices;" and (6) conduct intensive training and retraining on the department's new expectations.
- 2 Data on follow-up surveys.** Amends § 144A.10, by adding subd. 11. Requires the commissioner to make available to the nursing home associations and public, upon request, copies of statements of deficiencies and related letters pertaining to federal certification surveys, if this is not prohibited by federal law. Also requires the commissioner to make available on a quarterly basis aggregate data on federal certification follow-up or resurvey statements.
- 3 Nurse aide training waivers.** Amends § 144A.10, by adding subd. 12. Requires the commissioner to grant a waiver for the continuation of any nurse aide training program or competency evaluation program conducted by or on the site of a nursing facility that would

otherwise lose approval for the program or programs.

- 4 Immediate jeopardy.** Amends § 144A.10, by adding subd. 13. Prohibits the commissioner from issuing a finding for immediate jeopardy unless the violation initially occurred within 48 hours prior to the survey team's arrival at the nursing facility or initially occurred after the team's arrival. Prohibits the commissioner from issuing findings of immediate jeopardy after the conclusion of a survey, unless the survey team identified the violation prior to the close of the exit conference.
- 5 Use of civil money penalties; waiver from state and federal rules and regulations.** Adds § 144A.102. Requires the commissioner of health to apply for federal waivers and identify necessary changes in state law to: (1) allow the use of civil money penalties to abate any deficiencies identified in a nursing facility's plan of correction; and (2) stop accrual of any fine when a follow-up survey is not conducted by the department within the regulatory deadline.
- 6 State licensure conflicts with federal regulations.** States that the following standards apply to nursing facilities: (1) an incontinent resident must be checked and receive perineal care according to the care plan, based upon the resident's individualized assessment; and (2) residents must be positioned in good body alignment and the position of residents must be changed according to the care plan, based upon the resident's individualized assessment.
- 7 Appropriation; research, quality improvement initiatives, long-term care.** Appropriates money from the general fund to the commissioner of health in FY 1999 for clinical data collection and research in the areas of resident and patient falls and physical restraint use, and for the evaluation of clinical indicators related to quality of life and the provision of quality nursing care.
- 8 Effective date.** States that sections 1 to 7 are effective the day following final enactment.