

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill makes policy changes to provisions governing the statewide trauma system (sections 1-2), Zika preparedness (section 3), home care and assisted living licensure (sections 4-15), hearing instrument dispensers (sections 16-18), and food, beverage, and lodging establishments (sections 19-20).

#### Section

- 1**      **Level IV designation.** Amends section 144.605, subdivision 5. Modifies the procedure for a hospital to be designated as a level IV trauma hospital, by requiring the commissioner to arrange a site review visit before issuing the designation (instead of within three years of issuing the designation as in current law), after which the review team submits written recommendations to the Trauma Advisory Council. If the council then recommends the designation, the commissioner shall approve the designation. This section is effective October 1, 2016.
- 2**      **Trauma Advisory Council established.** Amends section 144.608, subdivision. 1. Modifies membership of the Trauma Advisory Council. Current law requires one member to be a board-certified pediatrician whose practice includes hospital emergency department care. This amendment requires the member to be either (1) a physician certified in pediatric emergency medicine and practicing primarily in emergency department medical care; or (2) a surgeon certified in pediatric surgery whose practice involves the care of pediatric trauma patients in a trauma hospital.

## Section

- 3**        **Zika preparedness and response.** Adds section 144.945. To the extent funds are available, directs the commissioner of health to maintain state and local public health readiness to address Zika-related public health threats; engage in Zika testing and surveillance; and monitor areas where mosquitoes carrying Zika may be found in Minnesota. Also directs the commissioner to seek federal funds and to seek authority to use federal public health grants for Zika preparedness and response activities.
- 4**        **Temporary license.** Amends section 144A.473, subdivision 2. Modifies the length of time a temporary home care license is effective. Current law makes a temporary license effective for one year from the date of issuance. This amendment makes it effective for up to one year from the date of issuance.
- 5**        **Notice.** Amends section 144A.475, subdivision 3. Amends a subdivision governing notices for home care providers before certain disciplinary actions, to allow the commissioner to temporarily suspend a license, prohibit delivery of services, or issue a conditional license without providing the required notices if the commissioner determines there are level 4 violations or violations that pose an imminent risk of harm to the health or safety of people in the provider's care. If there are level 3 violations that do not pose an imminent risk of harm to health or safety, the commissioner must comply with the notice requirements in this subdivision. (A level 3 violation is one that harms a client's health or safety, and a level 4 violation is one that results in serious injury, impairment, or death.)
- 6**        **Expedited hearing.** Amends section 144A.475, subdivision 3b. Makes the expedited hearing requirements in this subdivision apply to appeals of issuance of a conditional license. Requires a home care provider whose license is temporarily suspended to comply with requirements for notification and transfer of clients, even if the provider appeals the suspension. Expands the scope of the hearing to include whether there were violations that posed an imminent risk of harm.
- 7**        **Immediate temporary suspension.** Adds subdivision 3c to section 144A.475. Allows the commissioner to issue an immediate temporary suspension of a home care provider's license or a conditional license if the commissioner finds level 4 violations or violations that pose an imminent risk of harm. Requires the commissioner to deliver notice of the suspension, establishes procedures for appealing the suspension, and requires a provider whose license is temporarily suspended to comply with requirements for notification and transfer of clients, even if the provider appeals the suspension.
- 8**        **Application of other law.** Adds subdivision 14 to section 144A.4791. Allows a home care provider to adopt reasonable restrictions on the use of medical cannabis by patients served by the home care provider. Also provides that home care provider employees are not violating chapter 152 (governing controlled substances and medical cannabis) when carrying out employment duties, such as caring for a patient authorized to use medical cannabis or distributing medical cannabis to a patient authorized to use it.
- 9**        **Prescriptions.** Amends section 144A.4792, subdivision 13. In a subdivision requiring prescriptions for all medications a home care provider manages for a client, changes a cross-reference to the definition of prescription from a definition in rules to a definition in statutes. The definitions have some technical differences but are the same in content.

## Section

- 10 **Membership.** Amends section 144A.4799, subdivision 1. Changes the name of an advisory council from the home care provider advisory council to the home care and assisted living program advisory council.
- 11 **Duties.** Amends section 144A.4799, subdivision 3. Authorizes the home care and assisted living program advisory council to provide recommendations to the commissioner of health on studies using data in the all-payer claims database, including studies on costs related to dementia and chronic diseases among the elderly.
- 12 **Registration of home management providers.** Amends section 144A.482. Removes a requirement that the commissioner must approve orientation sessions attended by individuals who provide home management services.
- 13 **Arranged home care provider.** Amends section 144D.01, subdivision 2a. Makes a technical change, replacing a repealed rules reference for home care providers with a reference to the chapter of statutes licensing home care providers.
- 14 **Minimum requirements for assisted living.** Amends section 144G.03, subdivision 2. Makes technical changes, removing references to repealed rules that governed home care providers and replacing them, where appropriate, with statutory references.
- 15 **Nursing assessment.** Amends section 144G.03, subdivision 4. Makes technical changes, removing a reference to repealed rules that governed home care providers and removing an obsolete term.
- 16 **Certification renewal notice.** Amends section 153A.14, subdivision 2d. Specifies that a renewal notice for certification as a hearing instrument dispenser must be mailed to the dispenser's last known address on record with the commissioner. Removes requirements that the renewal notice must contain a renewal application and a notice of required fees.
- 17 **Certification by examination.** Amends section 153A.14, subdivision 2h. Amends a subdivision establishing certification requirements for hearing instrument dispensers, to require the commissioner to administer the practical examination at least twice a year. Also prohibits an applicant from taking the practical examination more than three times in a two-year period. The commissioner no longer administers the written portion of the examination.
- 18 **Hearings.** Amends section 153A.15, subdivision 2a. In a subdivision establishing notice requirements before the commissioner may discipline a hearing instrument dispenser, permits notice to be provided personally or by certified mail, return receipt requested.
- 19 **Special event food stand.** Amends section 157.15, subdivision 14. In a chapter governing food, beverage, and lodging establishments, amends the definition of special event food stand by removing language that limited operation of the food stand to no more than three times a year. With this amendment, a special event food stand may operate for no more than ten total days within the food stand's license period.
- 20 **Posting requirements.** Amends section 157.16, subdivision 4. Requires a food and beverage service establishment, youth camp, hotel, motel, lodging establishment, public pool, or resort to post its original license (current law does not specify that the original license must be posted). Strikes language requiring mobile food units, food carts, and seasonal temporary food stands to be issued decals, and to post these decals.

