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**Authors:** Kiel and others

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**Analyst:** Elisabeth Klarqvist

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### Overview

This bill modifies the Health Care Bill of Rights and Home Care Bill of Rights, makes changes to statutes regulating home care providers, modifies requirements for reporting maltreatment of vulnerable adults, and establishes working groups to examine and make recommendations on assisted living and dementia care licensing, dementia care certification, and an assisted living report card.

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- 1 Grievances.** Amends § 144.651, subd. 20. Amends a subdivision in the Health Care Bill of Rights regarding patient or resident grievances, to allow patients and residents to exercise any of their rights provided in the Health Care Bill of Rights free from restraint, interference, coercion, discrimination, reprisal, or threat of discharge.
- 2 Statement of rights.** Amends § 144A.44, subd. 1. Amends the Home Care Bill of Rights, to provide that a person receiving home care services has the right to recommend changes in the home care provider's policies and services to the provider, provider staff, and others free from restraint, interference, coercion, discrimination, reprisal, or threat of termination of discharge.
- 3 Temporary license.** Amends § 144A.473, subd. 2. Requires the commissioner of health to survey a temporary licensee within 90 days after the commissioner is notified or has evidence that the temporary licensee is providing home care services. Also changes a term used, from license year to license period.
- 4 Types of home care surveys.** Amends § 144A.474, subd. 2. In a subdivision governing different types of home care surveys conducted by the commissioner of health, defines

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change in ownership survey, and requires such surveys to be completed within six months after issuance of a new license due to a change in ownership.

**5**     **Safety and quality improvement technical panel.** Adds subd. 5 to § 144A.53. Directs the director of the Office of Health Facility Complaints to establish a technical panel to examine and make recommendations on how to apply safety and quality improvement practices and infrastructure to long-term care providers and settings. Specifies who must be included in the technical panel, and requires the panel to also provide recommendations to the legislature on any legislative changes needed to promote safety and quality improvement practices in long-term care settings and with long-term care providers.

**6**     **Lead investigative agency; notifications, dispositions, determinations.** Amends § 626.557, subd. 9c. In paragraph (a), removes a requirement that a reporter must request that the lead investigative agency (1) notify the reporter that the agency received the report and (2) provide the reporter with information on initial disposition; with this change, the agency would provide this information to all reporters.

The amendments to paragraph (e) require the lead investigative agency to notify the reporter (1) when the agency cannot complete its final disposition within 60 days; and (2) if the agency cannot complete its final disposition by a subsequent projected completion date.

The amendment to paragraph (f) makes it mandatory for the lead investigative agency to provide a copy of the public investigation memorandum to the reporter (rather than requiring the reporter to request it).

**7**     **Education requirements.** Amends § 626.557, subd. 9e. Requires the commissioner of health and commissioner of human services to develop and maintain written guidance materials for facilities and providers to use to comply with the reporting requirements in this section, and the reporting requirements in federal law for facilities subject to those requirements.

**8**     **Data management.** Amends § 626.557, subd. 12b. In their biennial reports to the legislature, requires the commissioner of health and commissioner of human services to always include recommendations for preventing, addressing, and responding to substantiated maltreatment (current law requires such recommendations if there are upward trends for types of substantiated maltreatment).

**9**     **Retaliation prohibited.** Amends § 626.557, subd. 17. In a subdivision prohibiting retaliation against a person who reports suspected maltreatment or against a vulnerable adult who is a subject of a report, provides that any restriction of a right specified in the Home Care Bill of Rights or in the Assisted Living Addendum by a facility or provider against the reporter or vulnerable adult within 90 days after the report, is an adverse action and presumed to be retaliatory conduct.

**10**    **Report; safety and quality improvement practices.** By January 15, 2019, requires the safety and quality improvement technical panel to provide recommendations to the legislature on:

- implementing an adverse health events reporting system for long-term care settings; and

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- interim actions to allow for analysis of reports and complaints submitted to the Office of Health Facility Complaints, to identify common themes and key prevention opportunities.

**11 Assisted living and dementia care licensing working group.** Establishes an assisted living and dementia care licensing working group within the Department of Health.

**Subd. 1. Establishment; membership.** Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

**Subd. 2. Duties; recommendations.** Requires the working group to consider and make recommendations on a new regulatory framework for assisted living and dementia care, and lists items the framework must address.

**Subd. 3. Meetings.** Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

**Subd. 4. Compensation.** Provides that members of the working group shall serve without compensation or reimbursement for expenses.

**Subd. 5. Administrative support.** Requires the commissioner of health to provide administrative support to the working group.

**Subd. 6. Report.** By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

**Subd. 7. Expiration.** Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

**12 Dementia care certification working group.** Establishes a dementia care certification working group within the Department of Health.

**Subd. 1. Establishment; membership.** Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

**Subd. 2. Duties; recommendations.** Requires the working group to consider and make recommendations on the certification of providers offering dementia care to clients diagnosed with dementias, and lists items the working group must address.

**Subd. 3. Meetings.** Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

**Subd. 4. Compensation.** Provides that members of the working group shall serve without compensation or reimbursement for expenses.

**Subd. 5. Administrative support.** Requires the commissioner of health to provide administrative support to the working group.

**Subd. 6. Report.** By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

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**Subd. 7. Expiration.** Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

**13 Assisted living report card working group.** Establishes an assisted living report card working group with the Department of Human Services.

**Subd. 1. Establishment; membership.** Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.

**Subd. 2. Duties.** Requires the working group to consider and make recommendations on the development of an assisted living report card, and lists quality metrics that must be considered.

**Subd. 3. Meetings.** Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

**Subd. 4. Compensation.** Provides that members of the working group shall serve without compensation or reimbursement for expenses.

**Subd. 5. Administrative support.** Requires the commissioner of human services to provide administrative support to the working group.

**Subd. 6. Report.** By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.

**Subd. 7. Expiration.** Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is earlier.

**14 Appropriations.** Makes a blank appropriation to the commissioner of health for the dementia care certification working group and the assisted living and dementia care licensing working group. Also makes a blank appropriation to the commissioner of human services for the assisted living report card working group.