

Subject Home care provider regulation
Authors Acomb and others
Analyst Elisabeth Klarqvist
Date March 19, 2019

Overview

This bill modifies provisions governing the regulation of home care providers.

Summary

Section	Description
1	Medication administration. Amends § 144A.43, subd. 11. Modifies the definition of medication administration in statutes governing home care providers.
2	Medication reconciliation. Adds subd. 12a to § 144A.43. For statutes governing home care providers, defines medication reconciliation as the process of identifying the most accurate list of all medications a client is taking by comparing the client record to an external list of medications.
3	Standby assistance. Amends § 144A.43, subd. 30. Modifies the definition of standby assistance in statutes governing home care providers.
4	Change in ownership. Amends § 144A.472, subd. 5. Amendments to paragraph (a) clarify what constitutes a change of ownership for a home care provider business. New paragraphs (b) and (c) provide that when a change in ownership occurs, employees of the business under the old owner who continue employment with the business under the new owner are not required to undergo new training, except on policies of the new owner that differ from those of the old owner.
5	Fees; application, change of ownership, and renewal. Amends § 144A.472, subd. 7. Adds a penalty of \$1,000 for a home care provider with a temporary license that fails to notify the commissioner of health within five days after it begins providing services to clients.

Section	Description
6	<p>Issuance of temporary license and license renewal. Amends § 144A.473.</p> <p>Subd. 1. Temporary license and renewal of license. Exempts temporary licenses from the requirement that home care provider licenses are valid for up to a year from the date of issuance.</p> <p>Subd. 2. Temporary license. Adds a reference that temporary licenses can be extended according to subdivision 3. Requires the commissioner to survey temporary licensees within 90 calendar days after the provider begins providing services. Also changes terminology from license year to license period.</p> <p>Subd. 3. Temporary licensee survey. Modifies steps the commissioner may take if a temporary licensee is not in substantial compliance with a survey: in addition to not issuing a license as provided in current law, the commissioner may terminate the temporary license, or extend the temporary license and apply conditions. Establishes a deadline by which the commissioner must receive a reconsideration request and supporting documentation from a temporary licensee. Lists the circumstances under which a temporary licensee whose license is denied may continue operating.</p>
7	<p>Types of home care surveys. Amends § 144A.474, subd. 2. In a subdivision governing home care provider surveys, defines change in ownership survey, and requires such surveys to be completed within six months after the commissioner issues a new license due to a change in ownership.</p>
8	<p>Conditions. Amends § 144A.475, subd. 1. Permits the commissioner to refuse to grant a license as a result of a change in ownership, if a home care provider, owner, or managerial official engages in certain conduct.</p>
9	<p>Terms to suspension of conditional license. Amends § 144A.475, subd. 2. Provides that a home care provider operating under a suspended or conditional license according to this subdivision may continue to operate while home care clients are being transferred to other providers.</p>
10	<p>Plan required. Amends § 144A.475, subd. 5. Provides that a home care provider whose license is being suspended or revoked according to this subdivision may continue to operate while home care clients are being transferred to other providers.</p>

Section	Description
11	Prior criminal convictions; owner and managerial officials. Amends § 144A.476, subd. 1. Requires the commissioner to conduct a background study on owners and managerial officials of a home care provider before issuing a license due to a change in ownership.
12	Employee records. Amends § 144A.479, subd. 7. Makes a technical change.
13 to 14	Amends § 144A.4791, subds. 1 and 3. Clarifies that a home care provider client must receive certain notices and statements before the date that services are first provided to clients, rather than before the initiation of services to clients.
15	Initiation of services. Amends § 144A.4791, subd. 6. Clarifies that if a client receives services before the client receives a review or assessment, a licensed health professional or registered nurse must complete a temporary plan and orient staff to deliver services.
16 to 17	Amends § 144A.4791, subds. 7 and 8. Requires an initial review, initial assessment, and client monitoring and reassessment to be completed within specified periods after the dates that home care services are first provided, rather than after the initiation of home care services.
18	Service plan, implementation, and revisions to service plan. Amends § 144A.4791, subd. 9. Requires a service plan to be finalized within 14 days after the date home care services are first provided, rather than after the initiation of home care services. Modifies what the service plan must include regarding staffing and supervision.
19	Medication management services; comprehensive home care license. Amends § 144A.4792, subd. 1. Requires a comprehensive home care provider to have policies to ensure security and accountability for management, control, and disposition of controlled substances, if the provider stores and secures controlled substances.
20	Provision of medication management services. Amends § 144A.4792, subd. 2. Requires an assessment conducted before a home care provider provides medication management services, to include providing instructions to the client or a representative on interventions to manage medications and prevent medication diversion.

Section	Description
21	<p>Individualized medication management plan.</p> <p>Amends § 144A.4792, subd. 5. Requires medication reconciliation to occur as part of medication management.</p>
22	<p>Medication management for clients who will be away from home.</p> <p>Amends § 144A.4792, subd. 10. Modifies requirements for medication management for clients who will be away from home:</p> <ul style="list-style-type: none">▪ for unplanned time away, limits the amount of medication a client may receive to the amount needed for seven calendar days (rather than 120 hours [five calendar days] as in current law); and▪ requires written procedures that apply during unplanned time away when a registered nurse is not available, to specify how unlicensed staff must document unused medications that are returned to the provider.
23	<p>Treatment and therapy orders.</p> <p>Amends § 144A.4793, subd. 6. Requires treatment and therapy orders to be renewed at least every 12 months, and requires these orders to include information on the duration of the treatment or therapy.</p>
24	<p>Content.</p> <p>Amends § 144A.4796, subd. 2. Makes a technical change to a subdivision governing what must be covered in home care provider employee orientation.</p>
25	<p>Supervision of staff providing delegated nursing or therapy home care tasks.</p> <p>Amends § 144A.4797, subd. 3. Clarifies when supervision must take place for staff performing delegated tasks.</p>
26	<p>Disease prevention and infection control.</p> <p>Amends § 144A.4798. Consolidates and updates disease prevention and infection control requirements for home care providers.</p>
27	<p>Membership.</p> <p>Amends § 144A.4799, subd. 1. Allows persons who have received home care services within the past five years to be members of the home care and assisted living program advisory council.</p>
28	<p>Duties.</p> <p>Amends § 144A.4799, subd. 3. Clarifies the topics on which the home care and assisted living program advisory council may provide advice to the commissioner.</p>

Section	Description
29	Integrated licensing established. Strikes an obsolete paragraph.
30	Repealer. Repeals obsolete provisions regarding tuberculosis prevention and control and the transition to a new licensing structure for home care providers.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155