

**Subject** Department of Health policy bill; health care facilities and providers

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### **Overview**

This bill modifies requirements for supplemental nursing services agencies, requirements for the use of restraints in hospitals and assisted living facilities, and change of ownership provisions for home care providers and assisted living facilities. It also removes from statute, references to housing with services establishment and chapter 144D.

### **Article 1: Access to Certain Records**

This article requires the commissioner of health to be provided with requested information and documents regarding a supplemental nursing services agency and allows the commissioner to bring an enforcement action against an entity that fails to provide the commissioner with requested information and documents.

#### **Section Description - Article 1: Access to Certain Records**

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**1 Penalties.**

Amends § 144A.72, subd. 2. Provides the commissioner may request and must be given access to relevant information and documents needed by the commissioner to verify a supplemental nursing services agency's compliance with the registration requirements in this section. Allows the commissioner to bring an enforcement action against a supplemental nursing services agency or facility that fails to provide the commissioner with requested information or documents.

### **Article 2: Updating References**

This article removes from statute, obsolete references to housing with services establishment and chapter 144D. The facility category housing with services establishment was eliminated in 2021, and housing with services establishments operating at that time either ceased providing housing with services or became licensed as assisted living facilities.

**Section Description - Article 2: Updating References**

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**1 Boarding care homes.**

Amends § 144.56, subd. 2b. In a subdivision prohibiting the commissioner of health from adopting rules that limit care provided by certain boarding care homes, deletes an obsolete reference to registration as a housing with services establishment.

**2 Definitions.**

Amends § 144.6502, subd. 1. In a section governing electronic monitoring in certain facilities, deletes from the definition of facility, obsolete language including certain housing with services establishments in the definition, removes a date that is no longer needed, and adds a reference to the chapter under which assisted living facilities are licensed.

**3 Scope.**

Amends § 144A.161, subd. 1a. In a section governing relocation of nursing home and boarding care home residents, removes an obsolete reference to housing with services establishments registered under chapter 144D.

**4 Registration.**

Amends § 157.17, subd. 2. In a subdivision requiring registration of boarding and lodging establishments or lodging establishments that provide supportive services or health supervision services, removes obsolete requirements for housing with services establishments registered under chapter 144D.

**5 Services that may not be provided in a boarding and lodging establishment or lodging establishment.**

Amends § 157.17, subd. 5. In a subdivision prohibiting boarding and lodging establishments from providing services to residents with certain needs, removes an obsolete reference to housing with services establishments registered under chapter 144D.

**6 Health care provider.**

Amends § 295.50, subd. 4. In a paragraph listing facilities and providers not included in the definition of health care provider for purposes of the provider tax, removes an obsolete reference to housing with services establishments and updates a cross-reference and terminology regarding personal care assistance services.

**7 Patient services.**

Amends § 295.50, subd. 9b. In a paragraph listing services not included in the definition of patient services for purposes of the provider tax, removes an obsolete reference to housing with services establishments.

## Article 3: Use of Patient Restraints

This article requires hospitals to document their uses of restraints to manage a patient's behavior and notify the provider to which the patient was transferred, requires assisted living facilities to train staff on the emergency use of manual restraints if the staff are authorized to apply manual restraints in emergencies, and establishes limits on the use of restraints in assisted living facilities.

### Section Description - Article 3: Use of Patient Restraints

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- 1 Postacute care discharge planning.**  
Amends § 144.486, subd. 2. Requires a hospital to document in a patient's discharge plan, instances when a restraint was used to manage the patient's behavior and requires the hospital to notify a provider to which a patient is transferred of the hospital's use of a restraint. Defines restraint for this section by reference to the definition being added in chapter 144G.  
  
Effective date: January 1, 2027.
- 2 Imminent risk.**  
Adds subd. 26a to § 144G.08. Adds a definition of imminent risk to the chapter governing assisted living facility licensure.  
  
Effective date: January 1, 2027.
- 3 Prone restraint.**  
Adds subd. 54a to § 144G.08. Adds a definition of prone restraint to the chapter governing assisted living facility licensure.  
  
Effective date: January 1, 2027.
- 4 Restraint.**  
Adds subd. 61a to § 144G.08. Adds a definition of restraint to the chapter governing assisted living facility licensure.  
  
Effective date: January 1, 2027.
- 5 Training in emergency manual restraints.**  
Adds § 144G.65. Requires assisted living facilities to ensure staff authorized to apply manual restraints in emergency situations complete at least four hours of training before assuming the responsibility of applying manual restraints, and a two-hour refresher course annually thereafter. Lists what the training must address. Requires the assisted living facility to implement the orientation and training topics, and requires the facility to record in employee records, evidence of each staff person who

**Section Description - Article 3: Use of Patient Restraints**

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completes the orientation and training. Specifies this section does not apply to an assisted living facility that has a policy prohibiting the use of restraints.

Effective date: January 1, 2027.

**6 Use of restraints.**

Adds § 144G.85. Prohibits the use of restraints in assisted living facilities, except for emergency uses of manual restraints and restraints that comply with requirements for ordered treatment. Establishes documentation and notification requirements regarding uses of restraints.

**Subd. 1. Use of restraints prohibited.** Prohibits the use of restraints, except as provided in subdivisions 2 and 4.

**Subd. 2. Exception.** Allows emergency use of a manual restraint when immediate intervention is needed to protect the resident or others from imminent risk of physical harm and when the restraint is the least restrictive intervention to address the risk. Requires the restraint to be imposed for the least amount of time needed, and specifies other requirements for the use of restraints in emergencies.

**Subd. 3. Documentation and notification.** Requires a resident's legal representative to be notified within 12 hours of an emergency use of a manual restraint, and requires the notice to include the circumstances that prompted its use. Also requires notice to the advanced practice registered nurse, physician, or physician assistant, if known, within 12 hours of an emergency use of a manual restraint. Requires the assisted living facility to notify the commissioner and the ombudsman for long-term care within seven calendar days of an emergency use of a manual restraint and lists information that must be included in the form used for this notice. Requires the commissioner to monitor reported uses. Requires a copy of the form to be maintained in the resident's record and sent to the resident's waiver case manager. Specifies a use of restraints by law enforcement or emergency personnel does not require the facility to comply with this section.

**Subd. 4. Ordered treatment.** Requires any use of a restraint, other than an emergency use of a manual restraint, that is part of an ordered treatment to comply with the requirements in statute for ordered treatment and to be the least restrictive option.

Effective date: January 1, 2027.

## Article 4: Change of Ownership

This article clarifies responsibilities for paying fines and complying with corrections and conditions in the event of a change of ownership of a home care provider or assisted living facility.

### Section Description - Article 4: Change of Ownership

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**1 Changes in ownership.**

Amends § 144A.472, subd. 5. Modifies change of ownership requirements for home care providers to specify that after a change of ownership the new licensee is responsible for:

- outstanding fines and fines assessed after the change of ownership; and
- bringing the facility into compliance with all existing corrections and conditions.

**2 Fines.**

Amends § 144A.474, subd. 11. Specifies a home care provider cannot avoid payment of an assessed fine by closing the license and that in the event of a change of ownership, the new licensee is responsible for any outstanding fines and fines assessed after the change of ownership.

**3 Correction orders and fines.**

Adds subd. 6 to § 144G.19. Provides that after a change of ownership of an assisted living facility, the new licensee is responsible for:

- outstanding fines and fines assessed after the change of ownership; and
- bringing the facility into compliance with all existing corrections and conditions.

**4 Payment of fines required.**

Amends § 144G.31, subd. 6. Specifies an assisted living facility cannot avoid payment of an assessed fine by closing the license and that in the event of a change of ownership, the new licensee is responsible for any outstanding fines and fines assessed after the change of ownership.



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