

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1422

03/11/2013 Authored by Erhardt

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying requirements for providers of home
1.3 and community-based services; amending Minnesota Statutes 2012, sections
1.4 245D.06, subdivision 1; 245D.09, by adding a subdivision.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 245D.06, subdivision 1, is amended to read:

1.7 Subdivision 1. **Incident response and reporting.** (a) The license holder must
1.8 respond to all incidents under section 245D.02, subdivision 11, that occur while providing
1.9 services to protect the health and safety of and minimize risk of harm to the person.

1.10 (b) The license holder must maintain information about and report incidents to the
1.11 person's legal representative or designated emergency contact and case manager within 24
1.12 hours of an incident occurring while services are being provided, or within 24 hours of
1.13 discovery or receipt of information that an incident occurred, unless the license holder has
1.14 reason to know that the incident has already been reported. An incident of suspected or
1.15 alleged maltreatment must be reported as required under paragraph (d), and an incident of
1.16 serious injury or death must be reported as required under paragraph (e).

1.17 (c) When the incident involves more than one person, the license holder must not
1.18 disclose personally identifiable information about any other person when making the report
1.19 to each person and case manager unless the license holder has the consent of the person.

1.20 (d) Within 24 hours of reporting maltreatment as required under section 626.556
1.21 or 626.557, the license holder must inform the case manager of the report unless there is
1.22 reason to believe that the case manager is involved in the suspected maltreatment. The
1.23 license holder must disclose the nature of the activity or occurrence reported and the
1.24 agency that received the report.

(e) The license holder must report the death or serious injury of the person to the legal representative, if any, and case manager, the Department of Human Services Licensing Division, and the Office of Ombudsman for Mental Health and Developmental Disabilities as required under section 245.94, subdivision 2a, within 24 hours of the death, or receipt of information that the death occurred, unless the license holder has reason to know that the death has already been reported.

(f) The license holder must report incidents when law enforcement has responded to the residence to each resident's legal representative or designated emergency contact within 24 hours of the law enforcement response.

~~(f)~~ (g) The license holder must conduct a review of incident reports, for identification of incident patterns, and implementation of corrective action as necessary to reduce occurrences.

Sec. 2. Minnesota Statutes 2012, section 245D.09, is amended by adding a subdivision to read:

Subd. 8. **Identification.** All direct service staff, including volunteers and subcontractors, must wear visible identification while on duty.

Sec. 3. **STAKEHOLDER WORK GROUPS.**

When the commissioner establishes a work group to provide input on department procedures, policies, or rate setting, the commissioner shall appoint an equal number of service recipient family members and providers.