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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4487

03/16/2020 Authored by Bierman and Kunesh-Podein The bill was read for the first time and referred to the Long-Term Care Division

1.1 A bill for an act
1.2 relating to health; modifying home care provider and Board of Nursing reporting
1.3 requirements and health-related licensing board complaint procedures; amending
1.4 Minnesota Statutes 2018, sections 144A.479, by adding a subdivision; 144A.4791,
1.5 by adding a subdivision; 148.263, subdivision 2; 214.103, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 144A.479, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 6a. Report to health-related licensing board; grounds for disciplinary
1.10 action. When a home care provider reports to a health-related licensing board conduct of
1.11 a current or former staff person regulated by that licensing board that may constitute grounds
1.12 for disciplinary action, the home care provider must submit to the licensing board any
1.13 evidence or documentation held by the provider regarding the conduct.

1.14 Sec. 2. Minnesota Statutes 2018, section 144A.4791, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 10a. Dismissal or termination of home care provider staff; notice to clients. If
1.17 a home care provider dismisses from employment or terminates a contract with a staff person
1.18 who provided home care services to clients during the three months prior to dismissal or
1.19 termination the home care provider must:

1.20 (1) promptly notify all clients who received home care services from the dismissed or
1.21 terminated staff person in the previous three months that the staff person is no longer
1.22 employed by or under contract with the home care provider; and

2.1 (2) recommend that a client contact the home care provider if the dismissed or terminated
2.2 staff person seeks to continue to provide home care services to the client.

2.3 Sec. 3. Minnesota Statutes 2018, section 148.263, subdivision 2, is amended to read:

2.4 Subd. 2. **Institutions.** The chief nursing executive or chief administrative officer of any
2.5 hospital, clinic, prepaid medical plan, home care provider licensed under chapter 144A, or
2.6 other health care institution or organization located in this state shall report to the board any
2.7 action taken by the institution ~~or~~, organization, or provider, or any of its administrators or
2.8 committees to revoke, suspend, limit, or condition a nurse's privilege to practice in the
2.9 institution, or as part of the organization, any denial of privileges, any dismissal from
2.10 employment, or any other disciplinary action. The institution ~~or~~, organization, or provider
2.11 shall also report the resignation of any nurse before the conclusion of any disciplinary
2.12 proceeding, or before commencement of formal charges, but after the nurse had knowledge
2.13 that formal charges were contemplated or in preparation. The reporting described by this
2.14 subdivision is required only if the action pertains to grounds for disciplinary action under
2.15 section 148.261 and the reporting must specify the grounds for disciplinary action that led
2.16 to the employment action.

2.17 Sec. 4. Minnesota Statutes 2018, section 214.103, subdivision 2, is amended to read:

2.18 Subd. 2. **Receipt of complaint.** The boards shall receive and resolve complaints or other
2.19 communications, whether oral or written, against regulated persons. Before resolving an
2.20 oral complaint, the executive director or a board member designated by the board to review
2.21 complaints shall require the complainant to state the complaint in writing or authorize
2.22 transcribing the complaint. The executive director or the designated board member shall
2.23 determine whether the complaint alleges or implies a violation of a statute or rule which
2.24 the board is empowered to enforce. The executive director or the designated board member
2.25 may consult with the designee of the attorney general as to a board's jurisdiction over a
2.26 complaint. If the executive director or the designated board member determines that it is
2.27 necessary, the executive director may seek additional information to determine whether the
2.28 complaint is jurisdictional or to clarify the nature of the allegations by obtaining records or
2.29 other written material, obtaining a handwriting sample from the regulated person, clarifying
2.30 the alleged facts with the complainant, and requesting a written response from the subject
2.31 of the complaint. The executive director may authorize a field investigation to clarify the
2.32 nature of the allegations and the facts that led to the complaint. The executive director or a
2.33 designated board member may conduct a site visit to inspect records pertaining to the

- 3.1 complaint, during which the institution, organization, or provider must provide the executive
- 3.2 director or designated board member with access to all applicable records.