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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 464

01/23/2017 Authored by Zerwas, Albright, Theis and Miller
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; authorizing certified paraprofessionals to provide home care
1.3 services; directing the commissioner of human services to seek federal approval
1.4 for reimbursement of certified paraprofessionals who provide home care services;
1.5 directing the commissioner of human services to establish procedure codes for
1.6 reimbursement of certified paraprofessionals; amending Minnesota Statutes 2016,
1.7 sections 144A.43, subdivision 3, by adding a subdivision; 144A.471, subdivisions
1.8 6, 7; 144A.472, subdivision 2; 144A.4792, subdivision 6; 144A.4795, by adding
1.9 a subdivision.

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

1.11 Section 1. Minnesota Statutes 2016, section 144A.43, is amended by adding a subdivision
1.12 to read:

1.13 Subd. 1f. Certified paraprofessional. "Certified paraprofessional" means:

1.14 (1) a medical assistant who graduated from an accredited medical assistant training
1.15 program, passed a medical assistant certification examination, and is certified by a national
1.16 medical assistant certification organization recognized by the commissioner; or

1.17 (2) a community emergency medical technician as defined in section 144E.275,
1.18 subdivision 7.

1.19 Sec. 2. Minnesota Statutes 2016, section 144A.43, subdivision 3, is amended to read:

1.20 Subd. 3. Home care service. "Home care service" means any of the following services
1.21 delivered in the home of a person whose illness, disability, or physical condition creates a
1.22 need for the service:

1.23 (1) assistive tasks provided by unlicensed personnel;

2.1 (2) services provided by a registered nurse or licensed practical nurse, physical therapist,
 2.2 respiratory therapist, occupational therapist, speech-language pathologist, dietitian or
 2.3 nutritionist, or social worker;

2.4 (3) services provided by certified paraprofessionals;

2.5 ~~(3)~~ (4) medication and treatment management services; or

2.6 ~~(4)~~ (5) the provision of durable medical equipment services when provided with any of
 2.7 the home care services listed in clauses (1) to ~~(3)~~ (4).

2.8 Sec. 3. Minnesota Statutes 2016, section 144A.471, subdivision 6, is amended to read:

2.9 Subd. 6. **Basic home care license provider.** Home care services that can be provided
 2.10 with a basic home care license are assistive tasks provided by licensed or unlicensed
 2.11 personnel or certified paraprofessionals that include:

2.12 (1) assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and
 2.13 bathing;

2.14 (2) providing standby assistance;

2.15 (3) providing verbal or visual reminders to the client to take regularly scheduled
 2.16 medication, which includes bringing the client previously set-up medication, medication in
 2.17 original containers, or liquid or food to accompany the medication;

2.18 (4) providing verbal or visual reminders to the client to perform regularly scheduled
 2.19 treatments and exercises;

2.20 (5) preparing modified diets ordered by a licensed health professional; and

2.21 (6) assisting with laundry, housekeeping, meal preparation, shopping, or other household
 2.22 chores and services if the provider is also providing at least one of the activities in clauses
 2.23 (1) to (5).

2.24 Sec. 4. Minnesota Statutes 2016, section 144A.471, subdivision 7, is amended to read:

2.25 Subd. 7. **Comprehensive home care license provider.** Home care services that may
 2.26 be provided with a comprehensive home care license include any of the basic home care
 2.27 services listed in subdivision 6, and one or more of the following:

2.28 (1) services of an advanced practice nurse, registered nurse, licensed practical nurse,
 2.29 physical therapist, respiratory therapist, occupational therapist, speech-language pathologist,
 2.30 dietitian or nutritionist, or social worker;

3.1 (2) tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed
3.2 health professional within the person's scope of practice;

3.3 (3) services of a certified paraprofessional;

3.4 ~~(3)~~ (4) medication management services;

3.5 ~~(4)~~ (5) hands-on assistance with transfers and mobility;

3.6 ~~(5)~~ (6) assisting clients with eating when the clients have complicating eating problems
3.7 as identified in the client record or through an assessment such as difficulty swallowing,
3.8 recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous
3.9 instruments to be fed; or

3.10 ~~(6)~~ (7) providing other complex or specialty health care services.

3.11 Sec. 5. Minnesota Statutes 2016, section 144A.472, subdivision 2, is amended to read:

3.12 Subd. 2. **Comprehensive home care license applications.** In addition to the information
3.13 and fee required in subdivision 1, applicants applying for a comprehensive home care license
3.14 must also provide verification that the applicant has the following policies and procedures
3.15 in place so that if a license is issued, the applicant will implement the policies and procedures
3.16 in this subdivision and keep them current:

3.17 (1) conducting initial and ongoing assessments of the client's needs by a registered nurse
3.18 or appropriate licensed health professional, including how changes in the client's conditions
3.19 are identified, managed, and communicated to staff and other health care providers, as
3.20 appropriate;

3.21 (2) ensuring that nurses and licensed health professionals have current and valid licenses
3.22 to practice;

3.23 (3) ensuring that certified paraprofessionals have current and valid certifications;

3.24 ~~(3)~~ (4) medication and treatment management;

3.25 ~~(4)~~ (5) delegation of home care tasks by registered nurses or licensed health professionals;

3.26 ~~(5)~~ (6) supervision of registered nurses and licensed health professionals; ~~and~~

3.27 (7) supervision of certified paraprofessionals at the level of supervision that applies to
3.28 licensed practical nurses under Medicare certification standards; and

3.29 ~~(6)~~ (8) supervision of unlicensed personnel performing delegated home care tasks.

4.1 Sec. 6. Minnesota Statutes 2016, section 144A.4792, subdivision 6, is amended to read:

4.2 Subd. 6. **Administration of medication.** Medications may be administered by a nurse,
4.3 physician, ~~or~~ other licensed health practitioner, or certified paraprofessional authorized to
4.4 administer medications or by unlicensed personnel who have been delegated medication
4.5 administration tasks by a registered nurse.

4.6 Sec. 7. Minnesota Statutes 2016, section 144A.4795, is amended by adding a subdivision
4.7 to read:

4.8 Subd. 2a. **Certified paraprofessionals.** (a) Certified paraprofessionals providing home
4.9 care services must possess a current professional certification and must have successfully
4.10 completed 40 hours of training on the provision of home care services. The training program
4.11 must be approved by the commissioner and must provide training on at least the following:

4.12 (1) the home care bill of rights under section 144A.44;

4.13 (2) federal and state requirements related to medical records and data privacy;

4.14 (3) understanding appropriate boundaries between staff and clients and family members;

4.15 (4) ventilator operation and maintenance and the care of ventilator-dependent clients;

4.16 (5) the care of clients with tracheotomies;

4.17 (6) appropriate techniques for assisting clients with activities of daily living;

4.18 (7) cardiopulmonary resuscitation;

4.19 (8) appropriate infection control techniques;

4.20 (9) sensitivity to and respect for the client's cultural background; and

4.21 (10) reporting of maltreatment of minors under section 626.556 and maltreatment of
4.22 vulnerable adults under section 626.557.

4.23 The training program for community emergency medical technicians satisfies the training
4.24 program requirements of this paragraph.

4.25 (b) Services provided by certified paraprofessionals are limited to services within the
4.26 scope of regular home care nursing, as that scope is determined by the Department of Human
4.27 Services. Services provided by certified paraprofessionals must be ordered by a physician,
4.28 delegated by a registered nurse, and provided under the direction and supervision of a
4.29 registered nurse. A home care provider is responsible for ensuring certified paraprofessionals
4.30 working under the home care provider's license satisfy competency requirements and are

5.1 appropriately supervised, and for addressing complaints regarding services of a certified
5.2 paraprofessional.

5.3 **Sec. 8. DIRECTION TO COMMISSIONER; ESTABLISHING PROCEDURE**
5.4 **CODES.**

5.5 The commissioner of human services shall establish procedure codes for certified medical
5.6 assistants, and community emergency medical technicians who provide home care services
5.7 as certified paraprofessionals to be reimbursed for services provided under Minnesota
5.8 Statutes, sections 256B.0651, 256B.0659, 256B.0915, 256B.092, 256B.093, 256B.49, and
5.9 256B.85, at a rate equal to the rate established for licensed practical nurses who provide the
5.10 same services.

5.11 **EFFECTIVE DATE.** This section is effective upon receipt of the federal waivers or
5.12 approvals requested according to section 9 to allow for reimbursement of certified
5.13 paraprofessionals.

5.14 **Sec. 9. DIRECTION TO COMMISSIONER; FEDERAL APPROVAL.**

5.15 The commissioner of human services shall request from the federal Centers for Medicare
5.16 and Medicaid Services all waivers and approvals necessary to reimburse certified medical
5.17 assistants and community emergency medical technicians who provide home care services
5.18 as certified paraprofessionals for services provided under Minnesota Statutes, sections
5.19 256B.0651, 256B.0659, 256B.0915, 256B.092, 256B.093, 256B.49, and 256B.85.

5.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.