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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3125

03/17/2014 Authored by Anderson, S.,
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 health; requiring the Office of Health Care Complaints to investigate
1.3 complaints against a health maintenance organization; requiring a family member
1.4 of the complainant to be interviewed; amending Minnesota Statutes 2012,
1.5 section 144A.53, subdivision 3; Minnesota Statutes 2013 Supplement, section
1.6 144A.53, subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2013 Supplement, section 144A.53, subdivision 2,
1.9 is amended to read:

1.10 Subd. 2. **Complaints.** (a) The director may receive a complaint from any source
1.11 concerning an action of an administrative agency, a health care provider, a home care
1.12 provider, a residential care home, or a health facility. The director may require a
1.13 complainant to pursue other remedies or channels of complaint open to the complainant
1.14 before accepting or investigating the complaint. Investigators are required to interview at
1.15 least one family member of the ~~vulnerable adult~~ individual identified in the complaint.
1.16 If the ~~vulnerable adult~~ individual is directing his or her own care and does not want
1.17 the investigator to contact the family, this information must be documented in the
1.18 investigative file.

1.19 (b) The director shall receive a complaint from any source concerning an action of
1.20 a health maintenance organization, including, but not limited to, a complaint regarding
1.21 the quality of patient care. If the director receives a complaint concerning a health
1.22 maintenance organization, the director shall complete the investigation of the complaint
1.23 within the Office of Health Facility Complaints. This section does not prohibit the health
1.24 maintenance organization from continuing to operate an internal complaint system, as
1.25 required under section 62D.11.

2.1 ~~(b)~~ (c) The director shall keep written records of all complaints and any action
2.2 upon them. After completing an investigation of a complaint, the director shall inform
2.3 the complainant, the administrative agency having jurisdiction over the subject matter,
2.4 the health care provider, the home care provider, the residential care home, the health
2.5 maintenance organization, and the health facility of the action taken. Notwithstanding
2.6 section 145.64, complainants, including those having made a complaint against a health
2.7 maintenance organization, must be provided a copy of the public report upon completion
2.8 of the investigation.

2.9 Sec. 2. Minnesota Statutes 2012, section 144A.53, subdivision 3, is amended to read:

2.10 Subd. 3. **Recommendations.** If, after duly considering a complaint and whatever
2.11 material the director deems pertinent, the director determines that the complaint is valid,
2.12 the director may recommend that an administrative agency, a health care provider, a
2.13 home care provider, a residential care home, a health maintenance organization, or a
2.14 health facility should:

- 2.15 (a) Modify or cancel the actions which gave rise to the complaint;
2.16 (b) Alter the practice, rule or decision which gave rise to the complaint;
2.17 (c) Provide more information about the action under investigation; or
2.18 (d) Take any other step which the director considers appropriate.

2.19 If the director requests, the administrative agency, a health care provider, a home
2.20 care provider, residential care home, or health facility shall, within the time specified,
2.21 inform the director about the action taken on a recommendation.