

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2694

03/08/2016 Authored by Liebling, Persell and Bly

The bill was read for the first time and referred to the Committee on Aging and Long-Term Care Policy

1.1 A bill for an act  
1.2 relating to health; modifying exclusions from home care licensure; amending  
1.3 Minnesota Statutes 2014, section 144A.471, subdivision 9.  
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 144A.471, subdivision 9, is amended to  
1.6 read:

1.7 Subd. 9. **Exclusions from home care licensure.** The following are excluded from  
1.8 home care licensure and are not required to provide the home care bill of rights:

1.9 (1) an individual or business entity providing only coordination of home care that  
1.10 includes one or more of the following:

1.11 (i) determination of whether a client needs home care services, or assisting a client  
1.12 in determining what services are needed;

1.13 (ii) referral of clients to a home care provider;

1.14 (iii) administration of payments for home care services; or

1.15 (iv) administration of a health care home established under section 256B.0751;

1.16 (2) an individual who is not an employee of a licensed home care provider if the  
1.17 individual:

1.18 (i) only provides services as an independent contractor to one or more licensed  
1.19 home care providers;

1.20 (ii) provides no services under direct agreements or contracts with clients; and

1.21 (iii) is contractually bound to perform services in compliance with the contracting  
1.22 home care provider's policies and service plans;

1.23 (3) a business that provides staff to home care providers, such as a temporary  
1.24 employment agency, if the business:

- (i) only provides staff under contract to licensed or exempt providers;
- (ii) provides no services under direct agreements with clients; and
- (iii) is contractually bound to perform services under the contracting home care provider's direction and supervision;
- (4) any home care services conducted by and for the adherents of any recognized church or religious denomination for its members through spiritual means, or by prayer for healing;
- (5) an individual who only provides home care services to a relative;
- (6) an individual not connected with a home care provider that provides assistance with basic home care needs if the assistance is provided primarily as a contribution and not as a business;
- (7) an individual not connected with a home care provider that shares housing with and provides primarily housekeeping or homemaking services to an elderly or disabled person in return for free or reduced-cost housing;
- (8) an individual or provider providing home-delivered meal services;
- (9) an individual providing senior companion services and other older American volunteer programs (OAVP) established under the Domestic Volunteer Service Act of 1973, United States Code, title 42, chapter 66;
- (10) an employee of a nursing home licensed under this chapter or an employee of a boarding care home licensed under sections 144.50 to 144.56 who responds to occasional emergency calls from individuals residing in a residential setting that is attached to or located on property contiguous to the nursing home or boarding care home;
- (11) an employee of a nursing home licensed under this chapter or an employee of a boarding care home licensed under sections 144.50 to 144.56 who provides occasional minor services free of charge to individuals residing in a residential setting that is attached to or located on property contiguous to the nursing home or boarding care home;
- ~~(11)~~ (12) a member of a professional corporation organized under chapter 319B that does not regularly offer or provide home care services as defined in section 144A.43, subdivision 3;
- ~~(12)~~ (13) the following organizations established to provide medical or surgical services that do not regularly offer or provide home care services as defined in section 144A.43, subdivision 3: a business trust organized under sections 318.01 to 318.04, a nonprofit corporation organized under chapter 317A, a partnership organized under chapter 323, or any other entity determined by the commissioner;

3.1           ~~(13)~~ (14) an individual or agency that provides medical supplies or durable medical  
3.2 equipment, except when the provision of supplies or equipment is accompanied by a  
3.3 home care service;  
3.4           ~~(14)~~ (15) a physician licensed under chapter 147;  
3.5           ~~(15)~~ (16) an individual who provides home care services to a person with a  
3.6 developmental disability who lives in a place of residence with a family, foster family, or  
3.7 primary caregiver;  
3.8           ~~(16)~~ (17) a business that only provides services that are primarily instructional and  
3.9 not medical services or health-related support services;  
3.10          ~~(17)~~ (18) an individual who performs basic home care services for no more than  
3.11 14 hours each calendar week to no more than one client;  
3.12          ~~(18)~~ (19) an individual or business licensed as hospice as defined in sections 144A.75  
3.13 to 144A.755 who is not providing home care services independent of hospice service;  
3.14          ~~(19)~~ (20) activities conducted by the commissioner of health or a community health  
3.15 board as defined in section 145A.02, subdivision 5, including communicable disease  
3.16 investigations or testing; or  
3.17          ~~(20)~~ (21) administering or monitoring a prescribed therapy necessary to control or  
3.18 prevent a communicable disease, or the monitoring of an individual's compliance with a  
3.19 health directive as defined in section 144.4172, subdivision 6.