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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3366

02/14/2022

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

1.1 A bill for an act

1.2 relating to public health; granting the governor temporary emergency authority to

1.3 grant certain COVID-19 waivers.

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

1.5 Section 1. **COMMISSIONER OF HEALTH; TEMPORARY EMERGENCY**

1.6 **AUTHORITY.**

1.7 Subdivision 1. Temporary emergency authority granted. The commissioner of health

1.8 is granted temporary emergency authority as described in and limited by this section. The

1.9 temporary emergency authority granted to the commissioner may only be used to grant

1.10 individual or blanket state waivers.

1.11 Subd. 2. Individual or blanket waivers permitted. Temporary individual or blanket

1.12 waivers may be granted to waive requirements in the following statutes if none of the waivers

1.13 adversely affect resident or patient care or quality of the services:

1.14 (1) Minnesota Statutes, chapter 144, for hospitals relating to hospital construction

1.15 moratorium or bed capacity restrictions, except that no individual or blanket waiver may

1.16 be granted that will result in construction or other physical alteration of a hospital that cannot

1.17 be removed at the expiration of the waiver;

1.18 (2) Minnesota Statutes, chapters 144 and 144A, for nursing homes relating to bed

1.19 moratorium, bed capacity, layaway and nonlayaway beds, including notice requirements

1.20 for transfers and discharges; and

2.1 (3) Minnesota Statutes, chapter 149A, for funeral establishments or morticians to allow
2.2 flexible time periods for holding decedents awaiting final disposition, establishing unlicensed
2.3 staffing standards.

2.4 Subd. 3. **Notice.** (a) No later than 48 hours after an individual wavier or blanket waiver
2.5 under this section goes into effect, the commissioner must provide written notice of the
2.6 waiver to the appropriate ombudsman, if any, and to the chairs and ranking minority members
2.7 of the legislative committees with jurisdiction over the Department of Health.

2.8 (b) A waiver issued or granted under this section must be posted on the Department of
2.9 Health's website within 48 hours after being issued or granted and must include a
2.10 plain-language description of the waiver.

2.11 Subd. 4. **Expiration of waivers.** Any waiver granted by this section expires on June 30,
2.12 2023. This subdivision does not apply to nursing home transfer and discharge waivers if
2.13 necessary federal approval is not obtained prior to June 30, 2023.

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