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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3489

February 28, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; modifying regulation of certain home care service providers;
1.3 amending Minnesota Statutes 2006, section 144A.45, subdivision 1, by adding a
1.4 subdivision.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2006, section 144A.45, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Rules.** The commissioner shall adopt rules for the regulation of
1.9 home care providers pursuant to sections 144A.43 to 144A.47. The rules shall include
1.10 the following:

1.11 ~~(a)~~ (1) provisions to assure, to the extent possible, the health, safety and well-being,
1.12 and appropriate treatment of persons who receive home care services;

1.13 ~~(b)~~ (2) requirements that home care providers furnish the commissioner with
1.14 specified information necessary to implement sections 144A.43 to 144A.47;

1.15 ~~(c)~~ (3) standards of training of home care provider personnel, which may vary
1.16 according to the nature of the services provided or the health status of the consumer;

1.17 ~~(d)~~ (4) standards for medication management which may vary according to the
1.18 nature of the services provided, the setting in which the services are provided, or the
1.19 status of the consumer. Medication management includes the central storage, handling,
1.20 distribution, and administration of medications;

1.21 ~~(e)~~ (5) standards for supervision of home care services requiring supervision by a
1.22 registered nurse or other appropriate health care professional which must occur on site
1.23 at least every 62 days, or more frequently if indicated by a clinical assessment, and in
1.24 accordance with sections 148.171 to 148.285 and rules adopted thereunder, except that,

2.1 notwithstanding the provisions of Minnesota Rules, part 4668.0110, subpart 5, item B,
2.2 supervision of a person performing home care aide tasks for a class B licensee providing
2.3 paraprofessional services must occur only every 180 days, or more frequently if indicated
2.4 by a clinical assessment;

2.5 ~~(f)~~ (6) standards for client evaluation or assessment which may vary according to the
2.6 nature of the services provided or the status of the consumer;

2.7 ~~(g)~~ (7) requirements for the involvement of a consumer's physician, the
2.8 documentation of physicians' orders, if required, and the consumer's treatment plan, and
2.9 the maintenance of accurate, current clinical records;

2.10 ~~(h)~~ (8) the establishment of different classes of licenses for different types of
2.11 providers and different standards and requirements for different kinds of home care
2.12 services; and

2.13 ~~(i)~~ (9) operating procedures required to implement the home care bill of rights.

2.14 Sec. 2. Minnesota Statutes 2006, section 144A.45, is amended by adding a subdivision
2.15 to read:

2.16 Subd. 1a. **Home care aide tasks.** Notwithstanding the provisions of Minnesota
2.17 Rules, part 4668.0110, subpart 1, item E, home care aide tasks also include assisting
2.18 toileting, transfers, and ambulation if the client is ambulatory and if the client has no
2.19 serious acute illness or infectious disease.