

Nursing Home License Alternatives to Mandated Revocation or Suspension

HF3651 / SF3229

Description

This bill will amend the nursing home licensing statutes to give the commissioner of the Minnesota Department of Health discretion to suspend or revoke the nursing home license instead of requiring suspension or revocation when the violations are satisfactorily corrected.

system if the facility fails to correct the violations. However, the state law does not correspondingly acknowledge that a facility has come back into compliance and requires mandatory revocation or suspension of the nursing home license.

Background

Current statutes require the commissioner to suspend or revoke a nursing home's license when there are four penalty assessments or two repeat violations in the four highest fine categories (\$250, \$300, \$350, and \$500) within a two-year period. The current law does not allow the commissioner only to assess a monetary penalty, even when the facility has corrected the violations. In most circumstances, facilities correct the violation satisfactorily and the current statute unfairly penalizes nursing homes while not providing any additional consumer protection. This bill would retain the commissioner's authority to suspend or revoke licenses for the most serious violations and situations thus ensuring strong consumer protection for Minnesotans.

Proposal

Within a section entitled "Mandatory Proceedings," add the language allowing for commissioner discretion in revoking or suspending a nursing home license when it has been determined that the nursing home has since taken satisfactory corrective action on the violations.

When the state statute requiring revocation or suspension was enacted, there was not a very adequate federal system of review for nursing homes. Currently, the federal system tracks a facility's compliance and imposes remedies up to and including expulsion from the Medicare



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