

Supplemental Nursing Services Agency Waiver

HEALTH REGULATION DIVISION, LICENSING & CERTIFICATION

ATTENTION

The Minnesota Department of Health (MDH) Health Regulation Division (HRD) has temporarily waived certain state registration requirements and maximum charge amounts for supplemental nursing services agencies (SNSAs) when they are providing staff to work in Medicaid-certified nursing facilities that serve residents with COVID-19.

This waiver allows in-state licensed health facilities regulated by HRD, including hospitals, among others, to provide temporary staff in other health facilities without having to be registered as an SNSA. It also allows the State Emergency Operations Center (SEOC), in consultation with the Department of Human Services (DHS) Nursing Home Rates and Policy Division, to set new maximum charge amounts for SNSAs on a case-by-case basis consistent with the State Emergency Operations Center (SEOC) and necessary to provide staff to work in Medicaid-certified nursing homes that are serving residents with COVID-19.

Requirements Being Waived

[Emergency Executive Order 20-32 \(https://www.leg.state.mn.us/archive/execorders/20-32.pdf\)](https://www.leg.state.mn.us/archive/execorders/20-32.pdf) issued on April 8, 2020, allows the Commissioner of Health to temporarily delay, waive, or modify certain requirements so that providers can take necessary action to protect Minnesotans.

Minn. Stat. secs. 144A.70-71 require state registration for SNSAs that provide temporary employment in health care facilities for nurses, nurse assistants, nurse aides, or orderlies. This waiver allows in-state licensed health facilities regulated by HRD, including hospitals, home care providers, nursing homes, boarding care homes, supervised living facilities, hospices, and surgical centers, among others, to provide temporary staff in other health facilities without having to be registered as an SNSA.

Minn. Stat. sec. 144A.74 sets maximum hourly charges for SNSA services in Medicaid-certified nursing homes. This statute is waived and allows SEOC, in consultation with the Department of Human Services (DHS) Nursing Home Rates and Policy Division, to set new maximum charge amounts for SNSAs on a case by case basis consistent with the State of Minnesota COVID Emergency Response and necessary to provide staff to work in Medicaid-certified nursing homes that are serving residents with COVID-19.

What HRD is Doing Differently

By this notice, MDH will not enforce the requirement under Minn. Stat. secs 144A.70-71 that health facilities providing temporary employment as described above must be registered as an SNSA.

Implementation Guidance

If your facility wants to use the flexibility provided in this notice, the facility does not need to notify MDH prior to providing temporary staff. The licensed health facility must keep documentation that the entity holds a Minnesota health facility license and identification of staff that are provided.

If your facility or SNSA wants to exceed the current maximum charge, prior approval from the SEOC is required to establish new maximum charge amounts on a case by case basis.

To obtain information about the prior approval maximum charge waiver for SNSAs providing staff to Medicaid Certified Nursing Facilities, an email must be sent to mary.cahill@state.mn.us with the Minnesota Department of Human Services.

Timeframe

Health facilities licensed in Minnesota can utilize this waiver until the waiver is no longer in effect or no later than 60 days after the termination of the peacetime emergency declared in Executive Order 20-01.

Situations Not Included in this Waiver

Entities that are not health facilities licensed in Minnesota will continue to be required to be registered as an SNSA. This means that MDH will continue to enforce the SNSA law for entities that are not a licensed health facility in Minnesota.

Questions?

To obtain this information in a different format or discuss questions you have regarding the SNSA waiver, call: 651-201-4206 or email health.SNSA.email.box@state.mn.us. For questions regarding the SNSA maximum charges, email mary.cahill@state.mn.us at the Minnesota Department of Human Services.

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To obtain this information in a different format, call: 651-201-4101.