

# Home Care Survey and Enforcement Activities Modifications

## HEALTH REGULATION DIVISION (HRD), HOME CARE AND ASSISTED LIVING PROGRAM (HCALP)

### ATTENTION

The Minnesota Department of Health (MDH) Health Regulation Division (HRD) previously announced temporary modifications to certain requirements related to survey and enforcement activities for the Home Care and Assisted Living Program (HCALP) during the COVID-19 emergency. **MDH has revised the modifications concerning invoicing of fines assessed following survey.**

This revision:

- Requires the payment of fines assessed during the COVID-19 Peacetime Emergency. MDH will send an invoice for any fines that are due for payment.

These modifications remain in effect:

- Waive timeframe requirements concerning correction orders.
- Waive timeframe requirements concerning requests for reconsideration for both HCALP and providers.
- Waive timeframe requirements concerning all survey types.
- Allow HCALP to emphasize education and outreach in survey activities.

Modification of these survey and enforcement activities reduces administrative requirements for home care facilities, allowing them to focus their limited time and resources on proper personal protective equipment (PPE), infection control training, and staffing during the COVID-19 pandemic.

### Requirements Being Modified

[Emergency Executive Order 20-32 \(PDF\) \(https://www.leg.state.mn.us/archive/execorders/20-32.pdf\)](https://www.leg.state.mn.us/archive/execorders/20-32.pdf) issued on April 8, 2020, adopted into Minnesota Session Laws, [Chapter 74, Article 1, Section 13 \(https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/74/\)](https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/74/), allows the Commissioner of Health to temporarily delay, waive, or modify certain requirements so that providers can take necessary action to protect Minnesotans.

The following Minnesota Statutes related to state-licensed home care facilities are now modified:

- Chapter 144A, specifically:
  - 144A.474, subd. 1 and 2
  - 144A.474, subd. 8 (b)
  - 144A.474, subd. 12
  - 144A.475, subd. 3

## What HRD is Doing Differently

HCALP is:

- Issuing correction orders and notice of fines within a reasonable time following survey.
- Allowing exceptions to the statutory timeframe requirements for providers to request reconsideration and for HCALP to respond to these requests.
- Waiving timeframe requirements for all survey types.
- Emphasizing education and outreach to assist providers dealing with COVID-19.

## Implementation Guidance

MDH supports healthcare facilities' efforts to protect public health and offers the following guidance to assure safety during COVID-19-related restrictions.

Home care licensees:

- Watch for any outstanding fine invoices and make payment upon receipt.
- Submit any requests for reconsideration within a reasonable time of receiving your notice of correction orders and fines.
- Comply with MDH survey activities as required by statute.

## Timeframe

This waiver will be for the period of the peacetime emergency and up to 60 days past the end of the emergency.

## Questions?

For additional information, please email the Home Care and Assisted Living Program at [health.homecare@state.mn.us](mailto:health.homecare@state.mn.us) or visit the [HCALP website \(https://www.health.state.mn.us/facilities/regulation/homecare/index.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/index.html).

Minnesota Department of Health  
Health Regulation Division  
PO Box 64900  
St. Paul, MN 55164-0900  
[www.health.state.mn.us](http://www.health.state.mn.us)

10/29/2020

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