

# Hospital Capacity Waiver

## HEALTH REGULATION DIVISION, LICENSING & CERTIFICATION

### ATTENTION

The Minnesota Department of Health (MDH) Health Regulation Division (HRD) has temporarily modified certain requirements for hospitals and their licensed bed capacity during the COVID-19 emergency. The temporary modifications include:

1. The per-bed license fee for any new beds created during the COVID-19 emergency will be waived.
2. The hospital construction moratorium will be lifted, and new construction will not require a public interest review process.
3. The usual and non-emergent licensing and routine inspection requirement for alternate healthcare facilities will be waived during this emergency period.

### Requirements Being Modified

[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.

The following Minnesota Statutes related to state-licensed hospitals are now modified as described above:

- Minnesota Statutes, sec. 144.122
- Minnesota Statutes, sec. 144.50 to 144.56 subd. 4
- Minnesota Statutes, sec. 144.551
- Minnesota Statutes, sec. 144.553
- Minnesota Statutes, sec 144.55, subd. 1

### What HRD is Doing Differently

MDH has developed and communicated a [COVID-19-Related Bed, Capacity and/or Service Change Application Form \(https://www.health.state.mn.us/facilities/regulation/docs/bedincreaseform.pdf\)](https://www.health.state.mn.us/facilities/regulation/docs/bedincreaseform.pdf) to accept and process requests for hospital bed, capacity, or services changes related to COVID. The form contains instructions for submission, required information, and contacts, should questions arise.

## Implementation Guidance

If your facility wants to increase beds under licensure or federal certification or make other changes related to the COVID emergency, you must submit the application form above. If an application requires additional Medicare bed certification, MDH will communicate the change to the Centers for Medicare and Medicaid Services (CMS) on behalf of the applicant. MDH will also communicate application decisions to applicant.

## Timeframe

New or expanded hospital beds, and alternate healthcare facilities in service under this waiver will be closed and not in effect no later than 60 days after the termination of the peacetime emergency declared in Executive Order 20-01.

## Questions?

To obtain this information in a different format or discuss questions you have regarding the Hospital Capacity Waiver, call: 651-201-4206 or email [Health.HRDBedChanges@state.mn.us](mailto:Health.HRDBedChanges@state.mn.us).

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