

Nursing Home Capacity Waiver

HEALTH REGULATION DIVISION, LICENSING & CERTIFICATION

ATTENTION

The Minnesota Department of Health (MDH) Health Regulation Division (HRD) has temporarily waived the moratorium on beds coming out of layaway; the 60-day notice required to do so; and the per-bed licensing fee for nursing homes during the COVID-19 emergency.

This waiver allows nursing home beds to be used to relocate patients from hospitals or other settings to nursing homes. Note that MDH was previously and is still allowed to approve the immediate removal of beds from layaway during an emergency if the beds are used to relocate nursing home residents from one nursing home to another.

MDH still requires nursing homes to notify MDH about the bed changes and to ensure adequate and CDC-compliant space to care for COVID-19 residents.

We waived these requirements in order to help nursing homes respond more quickly to the need for additional beds during the COVID-19 pandemic.

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.

The following Minnesota Statutes related to state-licensed nursing homes are now waived:

- Minnesota Statutes, sec. 144.122
- Minnesota Statutes, sec. 144A.071, subd. 4b

What HRD is Doing Differently

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

Implementation Guidance

If your facility wants to remove nursing home beds from layaway or make other changes related to the COVID-19 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

Expanded nursing home beds 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.

Situations Not Included in this Waiver

Adding nursing home beds that are not being removed from layaway is beyond the scope of this waiver. Approvals of nursing home beds not from layaway is being evaluated by MDH and the Minnesota Department of Human Services for budget neutrality and if approved, a new notification will be posted on the MDH website.

Questions?

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

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