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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2694

03/08/2016 Authored by Liebling, Persell and Bly

The bill was read for the first time and referred to the Committee on Aging and Long-Term Care Policy

03/31/2016 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to health; modifying exclusions from home care licensure; amending
1.3 Minnesota Statutes 2014, section 144A.471, subdivision 9.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 144A.471, subdivision 9, is amended to
1.6 read:

1.7 Subd. 9. **Exclusions from home care licensure.** The following are excluded from
1.8 home care licensure and are not required to provide the home care bill of rights:

1.9 (1) an individual or business entity providing only coordination of home care that
1.10 includes one or more of the following:

1.11 (i) determination of whether a client needs home care services, or assisting a client
1.12 in determining what services are needed;

1.13 (ii) referral of clients to a home care provider;

1.14 (iii) administration of payments for home care services; or

1.15 (iv) administration of a health care home established under section 256B.0751;

1.16 (2) an individual who is not an employee of a licensed home care provider if the
1.17 individual:

1.18 (i) only provides services as an independent contractor to one or more licensed
1.19 home care providers;

1.20 (ii) provides no services under direct agreements or contracts with clients; and

1.21 (iii) is contractually bound to perform services in compliance with the contracting
1.22 home care provider's policies and service plans;

1.23 (3) a business that provides staff to home care providers, such as a temporary
1.24 employment agency, if the business:

- 2.1 (i) only provides staff under contract to licensed or exempt providers;
- 2.2 (ii) provides no services under direct agreements with clients; and
- 2.3 (iii) is contractually bound to perform services under the contracting home care
2.4 provider's direction and supervision;
- 2.5 (4) any home care services conducted by and for the adherents of any recognized
2.6 church or religious denomination for its members through spiritual means, or by prayer
2.7 for healing;
- 2.8 (5) an individual who only provides home care services to a relative;
- 2.9 (6) an individual not connected with a home care provider that provides assistance
2.10 with basic home care needs if the assistance is provided primarily as a contribution and
2.11 not as a business;
- 2.12 (7) an individual not connected with a home care provider that shares housing with
2.13 and provides primarily housekeeping or homemaking services to an elderly or disabled
2.14 person in return for free or reduced-cost housing;
- 2.15 (8) an individual or provider providing home-delivered meal services;
- 2.16 (9) an individual providing senior companion services and other older American
2.17 volunteer programs (OAVP) established under the Domestic Volunteer Service Act of
2.18 1973, United States Code, title 42, chapter 66;
- 2.19 (10) an employee of a nursing home or home care provider licensed under this
2.20 chapter or an employee of a boarding care home licensed under sections 144.50 to 144.56
2.21 who responds to occasional emergency calls from individuals residing in a residential
2.22 setting that is attached to or located on property contiguous to the nursing home ~~or~~
2.23 boarding care home, or location where home care services are also provided;
- 2.24 (11) an employee of a nursing home or home care provider licensed under this
2.25 chapter or an employee of a boarding care home licensed under sections 144.50 to
2.26 144.56 who provides occasional minor services free of charge to individuals residing in
2.27 a residential setting that is attached to or located on property contiguous to the nursing
2.28 home, boarding care home, or location where home care services are also provided, for the
2.29 occasional minor services provided free of charge;
- 2.30 ~~(11)~~ (12) a member of a professional corporation organized under chapter 319B that
2.31 does not regularly offer or provide home care services as defined in section 144A.43,
2.32 subdivision 3;
- 2.33 ~~(12)~~ (13) the following organizations established to provide medical or surgical
2.34 services that do not regularly offer or provide home care services as defined in section
2.35 144A.43, subdivision 3: a business trust organized under sections 318.01 to 318.04,

3.1 a nonprofit corporation organized under chapter 317A, a partnership organized under
3.2 chapter 323, or any other entity determined by the commissioner;

3.3 ~~(13)~~ (14) an individual or agency that provides medical supplies or durable medical
3.4 equipment, except when the provision of supplies or equipment is accompanied by a
3.5 home care service;

3.6 ~~(14)~~ (15) a physician licensed under chapter 147;

3.7 ~~(15)~~ (16) an individual who provides home care services to a person with a
3.8 developmental disability who lives in a place of residence with a family, foster family, or
3.9 primary caregiver;

3.10 ~~(16)~~ (17) a business that only provides services that are primarily instructional and
3.11 not medical services or health-related support services;

3.12 ~~(17)~~ (18) an individual who performs basic home care services for no more than
3.13 14 hours each calendar week to no more than one client;

3.14 ~~(18)~~ (19) an individual or business licensed as hospice as defined in sections 144A.75
3.15 to 144A.755 who is not providing home care services independent of hospice service;

3.16 ~~(19)~~ (20) activities conducted by the commissioner of health or a community health
3.17 board as defined in section 145A.02, subdivision 5, including communicable disease
3.18 investigations or testing; or

3.19 ~~(20)~~ (21) administering or monitoring a prescribed therapy necessary to control or
3.20 prevent a communicable disease, or the monitoring of an individual's compliance with a
3.21 health directive as defined in section 144.4172, subdivision 6.