

# Reinstating Specific Expired COVID Waivers for MDH

Many of the expired HRD COVID-19 Waivers under the state’s prior declared peacetime emergency are still important to the continued response to the ongoing pandemic. This proposal would ensure public health and safety by allowing flexibility with specific regulatory requirements. These waivers would be effective immediately and would expire no later than June 30, 2022.

## NURSING HOME-RELATED WAIVERS

### Nursing Home Capacity and Fee Timeline Changes

This proposal would temporarily allow nursing facilities with licensed beds in layaway status to immediately return those beds into active status without having to wait for the 60-day statutory notice requirement and not pay the per-bed licensing fee associated with the action.

- Administrative requirements surrounding notice periods and temporary per-bed licensing fees add to the burden of taxed long-term care providers and state regulators alike. The ability to quickly increase nursing facility bed capacity to care for more residents is critical during this time, especially as it relates to beds that may already be physically present in a facility but in an administrative ‘status’ preventing them from being used to care for residents needing care. This proposal would remove several barriers as it relates to those issues.

### Nursing Home Non-Layaway Beds

This proposal would temporarily lift the moratorium for nursing facilities to increase their bed capacity to meet current admission needs. It would also waive the per-bed licensing fee under chapter 144.

- In certain areas of the state, facilities may not have any layaway beds to “bring into active” status to increase its ability to care for residents. These facilities have no alternative except to turn away residents to other facilities with “capacity”. This is especially difficult when the facility can staff and care for the resident and alternative facilities are outside of the resident’s community. This proposal temporarily permits a facility to increase its capacity if it does not have any beds available in layaway status.

### Nursing Home Transfer & Discharge Timelines Change

This proposal would temporarily waive the resident notification timeframes for transfers and discharges of nursing home residents required under the Health Care Bill of Rights in section 144.651.

- Quick isolation to prevent the spread of COVID-19 within a facility is paramount to infection control procedure to stop the spread of the virus to other residents. Having to wait 30 days before being able to move a resident within a nursing home could cause tragic consequences.

## HOSPITAL-RELATED WAIVER

### Hospital Capacity

This proposal would temporarily modify hospital licensing requirements by temporarily permitting hospitals to request “waiver” of the moratorium statutory process to increase its hospital bed capacity.

- Increasing hospital bed capacity is becoming a large issue because of the COVID-19 Delta variant. Temporarily increasing a hospital’s bed capacity to care for an increased patient need is one part of a strategy to strengthen the state’s response to the COVID-19 Delta variant.

## MORTUARY SCIENCE-RELATED WAIVERS

### Mortuary Science Decedent Holding Timeline Change

This proposal would temporarily modify the number of days a mortician, funeral establishment, or alkaline hydrolysis facility may store a decedent before its final disposition. This proposal would temporarily modify the number of days a mortician, funeral establishment, or alkaline hydrolysis facility may store a decedent before its final disposition.

- The regulatory timeline in statute became challenging during COVID-19 pandemic because of several factors. Minnesota restricted funeral services and large gatherings while many families chose to postpone funeral services for their loved ones. Additionally, the number of deaths related to COVID-19 and natural deaths increased beyond system historical trends and lengthened the amount of time it was taking funeral staff to obtain the proper authorization from the next of kin(s) to cremate a dead human body due to restrictions with on-site meetings. Some of these factors still exist today despite improvements with many of these factors. However, due to the increased storage of decedents awaiting final disposition, funerals are not being held right away and funeral establishments need authorized ways to hold onto decedents longer. This proposal would permit that additional decedent storage time.

### Mortuary Science Licensing Change

This proposal would permit unlicensed or non-interns to work directly under the supervision of a licensed mortician. Having unlicensed staff make removals of dead human body from the place of death allowed licensed morticians to conduct licensed work such as funeral arrangements, embalming procedures and/or funeral services.

- During the COVID-19 pandemic, many funeral homes staff were taxed with the growing number of deaths and limited resources. When the number of COVID-19 deaths increased, funeral staff struggled to meet the death needs. Having unlicensed staff registered with HRD make removals of dead human body from the place of death allowed licensed morticians to conduct licensed work such as funeral arrangements, embalming procedures and/or funeral services. Now, with reduced workforce and continued need for mortuary science services, the ability to increase staffing capabilities within this industry is critical.