

1.1 Senator moves to amend S.F. No. 2122 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 144.55, subdivision 3, is amended to read:

1.4 Subd. 3. **Standards for licensure.** (a) Notwithstanding the provisions of section 144.56,
1.5 for the purpose of hospital licensure, the commissioner of health shall use as minimum
1.6 standards the hospital certification regulations promulgated pursuant to title XVIII of the
1.7 Social Security Act, United States Code, title 42, section 1395, et seq. The commissioner
1.8 may use as minimum standards changes in the federal hospital certification regulations
1.9 promulgated after May 7, 1981, if the commissioner finds that such changes are reasonably
1.10 necessary to protect public health and safety. ~~The commissioner shall also promulgate in~~
1.11 ~~rules additional minimum standards for new construction.~~

1.12 (b) Hospitals must meet the applicable provisions of the 2022 edition of the Facility
1.13 Guidelines Institute *Guidelines for Design and Construction of Hospitals*. This minimum
1.14 design standard must be met for all new licenses, new construction, change of use, or change
1.15 of occupancy for which plan review packages are received on or after January 1, 2024. For
1.16 the purposes of this subdivision, "Facility Guidelines Institute Guidelines for Design and
1.17 Construction of Hospitals" does not include any appendices to the guidelines.

1.18 (c) The commissioner shall review each new edition of the guidelines to determine if
1.19 they will be updated. If the commissioner decides to update the edition of the guidelines
1.20 specified in paragraph (b) for purposes of this subdivision, the commissioner must notify
1.21 the chairs and ranking minority members of the legislative committees and divisions with
1.22 jurisdiction over health care and public safety of the planned update by January 15 of the
1.23 year in which the new edition will become effective. Following notice from the
1.24 commissioner, the new edition shall become effective for hospitals beginning August 1 of
1.25 that year, unless otherwise provided in law. The commissioner shall, by publication in the
1.26 State Register, specify a date by which hospitals must comply with the updated edition. The
1.27 date by which hospitals must comply shall not be sooner than 12 months after publication
1.28 of the commissioner's notice in the State Register and applies only to plan review submissions
1.29 received on or after that date.

1.30 (d) Hospitals shall be in compliance with all applicable state and local governing laws,
1.31 regulations, standards, ordinances, and codes for fire safety, building, and zoning
1.32 requirements. The commissioner shall develop guidance to outline how the commissioner
1.33 will resolve conflicts between the guidelines and other applicable state and local governing
1.34 laws, regulations, standards, ordinances, and codes for fire safety, building, and zoning.

2.1 Guidance must be made publicly available at the time a new edition of the guidelines
 2.2 becomes effective and shall be periodically updated.

2.3 ~~(b)~~ (e) Each hospital and outpatient surgical center shall establish policies and procedures
 2.4 to prevent the transmission of human immunodeficiency virus and hepatitis B virus to
 2.5 patients and within the health care setting. The policies and procedures shall be developed
 2.6 in conformance with the most recent recommendations issued by the United States
 2.7 Department of Health and Human Services, Public Health Service, Centers for Disease
 2.8 Control. The commissioner of health shall evaluate a hospital's compliance with the policies
 2.9 and procedures according to subdivision 4.

2.10 ~~(e)~~ (f) An outpatient surgical center must establish and maintain a comprehensive
 2.11 tuberculosis infection control program according to the most current tuberculosis infection
 2.12 control guidelines issued by the United States Centers for Disease Control and Prevention
 2.13 (CDC), Division of Tuberculosis Elimination, as published in CDC's Morbidity and Mortality
 2.14 Weekly Report (MMWR). This program must include a tuberculosis infection control plan
 2.15 that covers all paid and unpaid employees, contractors, students, and volunteers. The
 2.16 Department of Health shall provide technical assistance regarding implementation of the
 2.17 guidelines.

2.18 ~~(d)~~ (g) Written compliance with this subdivision must be maintained by the outpatient
 2.19 surgical center.

2.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.21 Sec. 2. Minnesota Statutes 2022, section 144.6535, subdivision 1, is amended to read:

2.22 Subdivision 1. **Request for variance or waiver.** A hospital may request that the
 2.23 commissioner grant a variance or waiver from the provisions of ~~Minnesota Rules, chapter~~
 2.24 ~~4640 or 4645~~ section 144.55, subdivision 3, paragraph (b). A request for a variance or waiver
 2.25 must be submitted to the commissioner in writing. Each request must contain:

2.26 (1) the specific ~~rule or rules~~ requirement for which the variance or waiver is requested;

2.27 (2) the reasons for the request;

2.28 (3) the alternative measures that will be taken if a variance or waiver is granted;

2.29 (4) the length of time for which the variance or waiver is requested; and

2.30 (5) other relevant information deemed necessary by the commissioner to properly evaluate
 2.31 the request for the variance or waiver.

2.32 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.1 Sec. 3. Minnesota Statutes 2022, section 144.6535, subdivision 2, is amended to read:

3.2 Subd. 2. **Criteria for evaluation.** The decision to grant or deny a variance or waiver
3.3 must be based on the commissioner's evaluation of the following criteria:

3.4 (1) whether the variance or waiver will adversely affect the health, treatment, comfort,
3.5 safety, or well-being of a patient;

3.6 (2) whether the alternative measures to be taken, if any, are equivalent to or superior to
3.7 those prescribed in ~~Minnesota Rules, chapter 4640 or 4645~~ section 144.55, subdivision 3,
3.8 paragraph (b); and

3.9 (3) whether compliance with the ~~rule or rules~~ requirements would impose an undue
3.10 burden upon the applicant.

3.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.12 Sec. 4. Minnesota Statutes 2022, section 144.6535, subdivision 4, is amended to read:

3.13 Subd. 4. **Effect of alternative measures or conditions.** (a) Alternative measures or
3.14 conditions attached to a variance or waiver have the same force and effect as the ~~rules~~
3.15 requirement under ~~Minnesota Rules, chapter 4640 or 4645~~ section 144.55, subdivision 3,
3.16 paragraph (b), and are subject to the issuance of correction orders and penalty assessments
3.17 in accordance with section 144.55.

3.18 (b) Fines for a violation of this section shall be in the same amount as that specified for
3.19 the particular ~~rule~~ requirement for which the variance or waiver was requested.

3.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.21 Sec. 5. **REPEALER.**

3.22 Minnesota Rules, parts 4640.1500; 4640.1600; 4640.1700; 4640.1800; 4640.1900;
3.23 4640.2000; 4640.2100; 4640.2200; 4640.2300; 4640.2400; 4640.2500; 4640.2600;
3.24 4640.2700; 4640.2800; 4640.2900; 4640.3000; 4640.3100; 4640.3200; 4640.3300;
3.25 4640.3400; 4640.3500; 4640.3600; 4640.3700; 4640.3800; 4640.3900; 4640.4000;
3.26 4640.4100; 4640.4200; 4640.4300; 4640.6100; 4640.6200; 4640.6300; 4640.6400;
3.27 4645.0300; 4645.0400; 4645.0500; 4645.0600; 4645.0700; 4645.0800; 4645.0900;
3.28 4645.1000; 4645.1100; 4645.1200; 4645.1300; 4645.1400; 4645.1500; 4645.1600;
3.29 4645.1700; 4645.1800; 4645.1900; 4645.2000; 4645.2100; 4645.2200; 4645.2300;
3.30 4645.2400; 4645.2500; 4645.2600; 4645.2700; 4645.2800; 4645.2900; 4645.3000;
3.31 4645.3100; 4645.3200; 4645.3300; 4645.3400; 4645.3500; 4645.3600; 4645.3700;

- 4.1 4645.3800; 4645.3805; 4645.3900; 4645.4000; 4645.4100; 4645.4200; 4645.4300;
- 4.2 4645.4400; 4645.4500; 4645.4600; 4645.4700; 4645.4800; 4645.4900; 4645.5100; and
- 4.3 4645.5200, are repealed effective August 1, 2023."