

# 2007 QA Legislation

## **241.15 256B.095 QUALITY ASSURANCE SYSTEM ESTABLISHED.**

- 241.16** (a) Effective July 1, 1998, a quality assurance system for persons with developmental  
**241.17** disabilities, which includes an alternative quality assurance licensing system for programs,  
**241.18** is established in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice,  
**241.19** Steele, Wabasha, and Winona Counties for the purpose of improving the quality of  
**241.20** services provided to persons with developmental disabilities. A county, at its option, may  
**241.21** choose to have all programs for persons with developmental disabilities located within  
**241.22** the county licensed under chapter 245A using standards determined under the alternative  
**241.23** quality assurance licensing system or may continue regulation of these programs under  
**241.24** the licensing system operated by the commissioner. The project expires on June 30,  
**241.25** 2014.
- 241.26** (b) Effective July 1, 2003, a county not listed in paragraph (a) may apply to  
**241.27** participate in the quality assurance system established under paragraph (a). The  
**241.28** commission established under section 256B.0951 may, at its option, allow additional  
**241.29** counties to participate in the system.
- 241.30** (c) Effective July 1, 2003, any county or group of counties not listed in paragraph (a)  
**241.31** may establish a quality assurance system under this section. A new system established  
**241.32** under this section shall have the same rights and duties as the system established  
**241.33** under paragraph (a). A new system shall be governed by a commission under section  
**241.34** 256B.0951 . The commissioner shall appoint the initial commission members based  
**242.1** on recommendations from advocates, families, service providers, and counties in the  
**242.2** geographic area included in the new system. Counties that choose to participate in a  
**242.3** new system shall have the duties assigned under section 256B.0952. The new system  
**242.4** shall establish a quality assurance process under section 256B.0953. The provisions of  
**242.5** section 256B.0954 shall apply to a new system established under this paragraph. The  
**242.6** commissioner shall delegate authority to a new system established under this paragraph  
**242.7** according to section 256B.0955.
- 242.8** (d) Effective July 1, 2007, the quality assurance system may be expanded to include  
**242.9** programs for persons with disabilities and older adults.

242.10 Sec. 17. Minnesota Statutes 2006, section 256B.0951, subdivision 1, is amended to  
242.11 read:  
242.12 Subdivision 1. **Membership.** The Quality Assurance Commission is established.  
242.13 The commission consists of at least 14 but not more than 21 members as follows: at  
242.14 least three but not more than five members representing advocacy organizations; at  
242.15 least three but not more than five members representing consumers, families, and their  
242.16 legal representatives; at least three but not more than five members representing service  
242.17 providers; at least three but not more than five members representing counties; and the  
242.18 commissioner of human services or the commissioner's designee. The first commission  
242.19 shall establish membership guidelines for the transition and recruitment of membership for  
242.20 the commission's ongoing existence. Members of the commission who do not receive a  
242.21 salary or wages from an employer for time spent on commission duties may receive a per  
242.22 diem payment when performing commission duties and functions. All members may be  
242.23 reimbursed for expenses related to commission activities. Notwithstanding the provisions  
242.24 of section 15.059, subdivision 5, the commission expires on June 30, ~~2009~~ 2014.

242.25 Sec. 18. [256B.096] QUALITY MANAGEMENT, ASSURANCE, AND  
242.26 IMPROVEMENT SYSTEM FOR MINNESOTANS RECEIVING DISABILITY  
242.27 SERVICES.

242.28 Subdivision 1. Scope. In order to improve the quality of services provided to  
242.29 Minnesotans with disabilities and to meet the requirements of the federally approved home  
242.30 and community-based waivers under section 1915c of the Social Security Act, a statewide  
242.31 quality assurance and improvement system for Minnesotans receiving disability services  
242.32 shall be developed. The disability services included are the home and community-based  
242.33 services waiver programs for persons with developmental disabilities under section  
242.34 256B.092, subdivision 4, and for persons with disabilities under section 256B.49.

243.1 Subd. 2. Stakeholder advisory group. The commissioner shall consult with a  
243.2 stakeholder advisory group on the development and implementation of the state quality  
243.3 management, assurance, and improvement system, including representatives of disability  
243.4 service recipients, disability service providers, disability advocacy groups, county human  
243.5 service agencies, and state agency staff from the Departments of Human Services and  
243.6 Health, and the ombudsman for mental health and developmental disabilities on the

243.7 development of a statewide quality assurance and improvement system.

243.8 Subd. 3. **Annual survey of service recipients.** The commissioner, in consultation

243.9 with the stakeholder advisory group, shall develop an annual independent random

243.10 statewide survey of between five and ten percent of service recipients to determine the

243.11 effectiveness and quality of disability services. The survey shall be consistent with the

243.12 system performance expectations of the Centers for Medicare and Medicaid Services

243.13 quality management requirements and framework. The survey shall analyze whether

243.14 desired outcomes have been achieved for persons with different demographic, diagnostic,

243.15 health, and functional needs receiving different types of services, in different settings,

243.16 with different costs. The survey shall be field tested during 2008. The biennial report

243.17 established in subdivision 5 shall include recommendations on statewide and regional

243.18 reports of the survey results that, if published, would be useful to regions, counties, and

243.19 providers to plan and measure the impact of quality improvement activities.

243.20 Subd. 4. **Improvements for incident reporting, investigation, analysis, and**

243.21 **follow-up.** In consultation with the stakeholder advisory group, the commissioner shall

243.22 identify the information, data sources, and technology needed to improve the system

243.23 of incident reporting, including:

243.24 (1) reports made under the Maltreatment of Minors and Vulnerable Adults Acts; and

243.25 (2) investigation, analysis, and follow-up for disability services.

243.26 The commissioner must ensure that the federal home and community-based waiver

243.27 requirements are met and that incidents that may have jeopardized safety and health or

243.28 violated service-related assurances, civil and human rights, and other protections designed

243.29 to prevent abuse, neglect, and exploitation, are reviewed, investigated, and acted upon

243.30 in a timely manner.

243.31 Subd. 5. **Biennial report.** The commissioner shall provide a biennial report to the

243.32 chairs of the legislative committees with jurisdiction over health and human services

243.33 policy and funding beginning January 15, 2009, on the development and activities of the

243.34 quality management, assurance, and improvement system designed to meet the federal

243.35 requirements under the home and community-based services waiver programs for persons

243.36 with disabilities. By January 15, 2008, the commissioner shall provide a preliminary

244.1 report on priorities for meeting the federal requirements, progress on development and

244.2 field testing of the annual survey, appropriations necessary to implement an annual survey

**244.3** of service recipients once field testing is completed, recommendations for improvements  
**244.4** in the incident reporting system, and a plan for incorporating quality assurance efforts  
**244.5** under section 256B.095 and other regional efforts into the statewide system.