

## CHAPTER 570—H.F.No. 1847

*An act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; providing for an information retrieval system; providing for nursing home dental health programs; requiring result-oriented treatment programs and counsel guardians for persons committed to hospitals; requiring the commissioner to collect and prepare statistical data; appropriating money; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision; and Chapter 253A, by adding a section.*

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

Section 1. The commissioner of public welfare shall undertake a study to further develop, analyze, and evaluate suggested revisions to the current rate reimbursement system established pursuant to Minnesota Statutes, Sections 256B.41 to 256B.48. In the study, the commissioner shall analyze the fiscal impact of the suggested rate reimbursement formula on nursing homes in the state and on the medical assistance program budget. The study shall also analyze the revisions of the current system to determine if they are designed to improve the system's equitable treatment of nursing homes, control costs and cost increases, reduce administrative complexity, provide capability for better biennial budgeting for nursing home care by the commissioner, and place the commissioner's primary concerns on fair and equitable reimbursement and enforcement. The revisions studied shall provide for reimbursement of capital costs according to a rental concept of payment based upon an initial appraised value of fixed assets and land that will be updated according to an index or indices. The commissioner shall prepare a report for the legislature before December 31, 1980, which shall include cost analyses, implementation strategies and suggestions regarding changes in rule and statutory language needed to incorporate the revisions into the nursing home rate reimbursement system. The rule and statutory language changes in the report shall address allowable costs, capital costs, operating costs and exceptions.

Sec. 2. Minnesota Statutes 1978, Section 256B.47, is amended by adding a subdivision to read:

Subd. 5. The commissioner shall promulgate rules no later than August 1, 1980, to amend the current rules governing nursing home reimbursement, in accordance with sections 15.0411 to 15.052, to allow providers to allocate their resources in order to provide as many nursing hours as necessary within the total cost limitations of the per diem already granted.

Sec. 3. [144A.65] STATEMENT OF PURPOSE. The legislature finds that general health is related to dental health and, due to the increased longevity of the population, the expansion of the nursing home industry, and the existing unmet and continuing needs for dental health in nursing homes, it is appropriate and necessary to establish programs for residents of nursing homes which promote dental health and prevent dental disease.

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Sec. 4. [144A.66] PROGRAM ASPECTS. Subdivision 1. The commissioner of health shall provide for the establishment of nursing home dental health programs as provided in this section.

Subd. 2. The commissioner shall:

(a) Develop, maintain, and distribute to nursing homes a dental health manual which identifies their administrative and patient care responsibilities and which recommends a local dental health policy;

(b) Establish, in conjunction with the dental profession, nursing home dental health standards, priorities of dental operations and guidelines for advisory dentists;

(c) Review existing nursing home dental health regulations to insure their consistency with current oral health standards;

(d) Seek the cooperation and coordination of a joint statewide effort between the dental profession, the nursing home industry and senior citizen organizations to promote the purpose of this section; and

(e) Provide technical dental health assistance, dental consultation, and current dental health information to nursing homes.

Subd. 3. In each of the eight health department districts, the commissioner shall establish during the biennial cycle a specific site program for nursing homes each to include:

(a) The analysis and identification of resident dental care needs and obstacles to access and the achievement of optimal oral health care and maintenance; and

(b) A training program of preventive oral health practices for nursing home staff.

Sec. 5. [144A.67] PROGRAM SUPERVISION. The commissioner shall provide for all administrative and technical responsibilities for section 4. The development and administration of the program shall be under a licensed dentist.

Sec. 6. **REPORT.** The commissioner shall compile, analyze, and evaluate programmatic data and accomplishments related to sections 4 and 5 and submit a report to the legislature by April 15, 1981.

Sec. 7. Minnesota Statutes 1978, Chapter 253A, is amended by adding a section to read:

**[253A.22] EVALUATION PROGRAM FOR COMMITTED PERSONS.**  
Subdivision 1. The committing court in each county shall participate in a statewide results-oriented evaluation program designed to assure that each person it orders committed pursuant to section 253A.07 shall receive the best possible treatment plan. In order to implement the program, the court shall appoint for each committed person, upon that person's hospitalization for an indeterminate period, a counsel guardian for the duration of the person's period of commitment.

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Subd. 2. For each patient assigned to the counsel guardian, the guardian shall obtain from the head of the hospital where the patient is institutionalized, as soon as practical after hospitalization and at the beginning of treatment, a written report describing the significant cognitive, emotional and behavioral problems of the patient and a clinical diagnosis of those problems. The guardian shall file the report with the committing court. Upon completion of a specific plan of treatment for a patient, the counsel guardian shall file a written report with the court indicating the type of treatment administered; the length of and cost incurred for the treatment; and the results obtained in light of the original diagnosis of each identified problem of the patient. Each report required under this subdivision shall refer to the patient by use of a numerical code in order to protect the patient's privacy. The head of a hospital to which a person has been committed pursuant to chapter 253A, shall make treatment information available to counsel guardians and otherwise assist guardians to carry out the provisions of this section.

Subd. 3. In order to further the purposes of this section, the commissioner of public welfare shall develop and maintain a program of collection and compilation of statistics relating to treatment of patients. The data shall be derived from the reports required to be filed by guardians pursuant to subdivision 2. The commissioner shall provide a statistical summary of data relating to committed persons for each committing court and for the state as a whole. The commissioner shall prepare data in code and shall ensure that only the commissioner or his designate has access to the names of the patients, guardians and clinical diagnosticians.

Subd. 4. The judges of probate court may designate judges of probate to serve on a panel whose purpose shall be to analyze the impact, positive or negative, or both, of treatment upon committed persons. The panel may request statistical analysis relating to treatment of patients from the commissioner of public welfare. The panel shall consult with a recognized state medical psychiatric organization prior to dissemination of the data amongst the two professions, law and medicine.

Sec. 8. APPROPRIATION. Subdivision 1. The sum of \$40,000 is appropriated from the general fund to the commissioner of public welfare for use in implementing an analysis and fiscal evaluation of suggested revisions to the nursing home rate reimbursement formula. This appropriation is available until January 1, 1981.

Subd. 2. The sum of \$40,000 is appropriated from the general fund to the commissioner of public welfare for the purpose of providing an ongoing computer based information retrieval system that includes the annual cost report information and the balance sheet and statement of changes in financial position from the audited financial statement required by section 256B.48, subdivision 2, clause (a). This appropriation is available until June 30, 1981.

Subd. 3. The sum of \$60,000 is appropriated from the general fund to the commissioner of health for nursing home dental health programs, to be available until June 30, 1981.

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Subd. 4. The sum of \$10,000 is appropriated from the general fund to the commissioner of public welfare for the purposes of section 7 to be available until June 30, 1981.

Sec. 9. TEMPORARY PROVISION. The commissioner of corrections shall amend 11 MCAR Section 2.111 (G)(1.) by striking the word "Health" and insert the word "Corrections."

Notwithstanding sections 15.0411 to 15.052, the amendment shall be effective on the day following its publication in the State Register.

Sec. 10. EFFECTIVE DATE. This act is effective the day following its final enactment. Sections 3, 4, 5 and 6 shall expire June 30, 1981 and section 7 shall expire June 30, 1983.

Approved April 15, 1980

#### CHAPTER 571—H.F.No. 1818

*An act relating to game and fish; excluding bears from the definition of fur bearing animals; providing that a portion of deer license fees shall be used for the purpose of deer habitat improvement; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; removing certain restrictions on the trapping of beaver; providing for free fishing licenses for certain mentally retarded and disabled residents; authorizing moose seasons at the discretion of the commissioner; granting landowners preference for moose licenses; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; regulating bear baiting; allowing sale of bear hides and claws; altering the end date of certain fishing seasons; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 97.49, by adding a subdivision; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 7, 15 and 16; 100.27, Subdivision 2; 100.29, Subdivisions 1 and 31; 100.30; 101.41, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 100.271, Subdivision 1.*

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

Section 1. Minnesota Statutes 1978, Section 97.40, Subdivision 7, is amended to read:

Subd. 7. "Fur bearing animals" includes all protected mammals, except bear, deer, moose, elk and caribou.

Sec. 2. Minnesota Statutes 1978, Section 97.49, is amended by adding a subdivision to read:

Subd. 1a. (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

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