

# Guide to the Survey Process

## STATE EVALUATION: TEMPORARY LICENSED HOME CARE PROVIDERS (144A)

### Purpose of the Initial Survey for Temporary Licensees

Temporary licensees must pass an initial full survey within the temporary license period in order to be granted a license. Temporary licensees must notify the Minnesota Department of Health (MDH) when they start providing licensed home care services. An unannounced survey will occur after MDH is notified or has evidence that services have started.

During the survey MDH surveyors will evaluate and monitor the care and services provided to home care clients and determine if the provider is complying with the requirements of the following statutes:

- [Home Care Laws \(https://www.health.state.mn.us/facilities/regulation/homecare/laws/index.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/laws/index.html)
- [Reporting of Maltreatment of Vulnerable Adults \(https://www.revisor.mn.gov/statutes/cite/626.557\)](https://www.revisor.mn.gov/statutes/cite/626.557)
- [Reporting Maltreatment of Children \(https://www.revisor.mn.gov/statutes/cite/260E.06\)](https://www.revisor.mn.gov/statutes/cite/260E.06)

### Primary areas of focus

Any home care licensure requirements may be reviewed during the course of the survey; however, the focus is to determine whether care and services are provided to clients in accordance with accepted health care standards and Minnesota home care laws.

### Survey documents

Providers can find the documents used by MDH surveyors (and referred to throughout this guide) on the MDH [Home Care website \(https://www.health.state.mn.us/facilities/regulation/homecare/index.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/index.html). MDH encourages providers to use the survey documents to improve understanding of licensure requirements and conduct self-audits.

### Steps of the survey

#### Entrance conference

When MDH surveyors arrive at the provider's office location, they will introduce themselves, ask to speak to the agent or nurse on duty, give an overview of the survey process and share a list of documents that will be requested during the survey. See the Entrance Conference and the Records Request forms for more information.

## Client roster forms

One of the first items a surveyor requests is a list of current clients who are receiving licensed home care services and a list of discharged and deceased clients. MDH recommends that providers maintain the rosters daily so when MDH appears for survey the rosters are ready. Providers can use the MDH sample forms available on the [Temporary Licensed Home Care Provider Survey Forms page \(https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html) or their own form, as long as all information on the MDH sample is included.

### MDH sample roster forms:

- Current Client Roster Basic
- Current Client Roster Comprehensive
- Discharged or Deceased

## During the Survey

### Observations

Throughout the survey, MDH staff observe the care and services provided to clients. Surveyors look for whether providers are:

- Meeting the requirements in statute,
- Following health care standards of practice,
- Following the provider's own policies and procedures, and
- Treating clients with dignity and respect.

### Interviews

MDH conducts interviews with staff, clients and/or client representatives. Interviews provide an opportunity for MDH staff to verify the information obtained from other sources such as family member, the Ombudsman for Long-Term Care and the Office of Health Facility Complaints.

### Home visits

MDH staff conduct home visits during the survey to evaluate the provision of services. Consent for the home visit is obtained from the client or the client's representative prior to the visit. Observations of the client and staff may occur during a home visit depending on what services are provided. At times, it may be necessary to gather information by a telephone call to the client or client's representative in lieu of a home visit.

## Review of documents

MDH staff review (and may scan and/or request copies of) the provider's documents including items listed below. A complete list of required documents is on the Entrance Conference form (Basic or Comprehensive).

- Policies and procedures
- Marketing materials
- Client admission information packet
- Client records
- Personnel records

## Communication during the survey

MDH staff are committed to open communication during the survey. Home care provider staff will be asked to give information that reflects the current practices and policies of the licensee. If a question is not understood, providers and their staff should ask for clarification. Providers and their staff can ask questions and give additional information at any time during the survey.

MDH staff ask questions if they do not understand the provider's policies and procedures as they pertain to the requirements in the home care statutes. During the survey, MDH staff provide information concerning issues that are identified. An MDH supervisor may be contacted to help resolve any issues or concerns that arise during the survey.

## Length of survey

The survey may take two or more days. The length of the survey and the number of MDH staff assigned depends on the number of clients receiving services, the types of services the clients receive, and issues identified during the survey.

## Exit Conference

When the on-site survey tasks are completed, MDH staff hold an exit conference with the provider. The purpose of the exit conference is to outline and discuss the preliminary findings of the survey. MDH staff explain their findings and provide information about MDH's expectations for correcting deficiencies. Information about requesting reconsideration of correction orders and an opportunity for provider feedback is also shared at the exit conference.

## Survey completion

After the exit conference, MDH staff submit the preliminary findings for final department review. After review, MDH will email to the provider any correction orders issued as a result of the survey and the final copy of the survey. Survey results are public information and posted on the MDH website.

## Correction Orders

Providers must review the correction order(s) carefully and correct each item within the time frame required, as stated on the final emailed survey report. MDH may request a copy of this documentation on future surveys, during a complaint investigation, or as otherwise needed.

See Correction Order Documentation Guidelines on the [Temporary Licensed Home Care Provider Survey Forms page \(https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html) for instructions on how to document correction of orders.

## Follow-up Survey

If the home care provider receives correction orders, the provider may be subject to a follow-up survey to determine if the violations cited were corrected. It is important for the provider to correct both the problem(s) identified in the correction order and any system failures that lead to noncompliance.

For providers that have Level 3 or Level 4 violations, or violations determined to be widespread, the department must conduct a follow-up survey within 90 calendar days of the survey.

The information gathered during a follow-up survey focuses on the area(s) cited during the previous survey. New correction orders may be issued if new issues are identified. During the exit conference, MDH staff present the preliminary findings of the follow-up visit, which includes the status of the correction orders.

## Fines and enforcement actions

Fines may be assessed and/or enforcement actions taken based on the level and scope of the violations. For information on level, scope, and fines, see [Minnesota Statutes 144A.474 \(https://www.revisor.mn.gov/statutes/cite/144A.474\)](https://www.revisor.mn.gov/statutes/cite/144A.474). For information on enforcement, see [Minnesota Statute 144A.475 \(https://www.revisor.mn.gov/statutes/cite/144A.475\)](https://www.revisor.mn.gov/statutes/cite/144A.475).

## Granting or denial of a license

If the temporary licensee is found in substantial compliance with the requirements, a license is granted. If the temporary licensee is found not in substantial compliance a license is not granted and the temporary license is closed. Temporary licensees who are denied a license must follow requirements to coordinate transfer of care of clients to another licensed provider.

## Requesting reconsideration of license denial

If the temporary licensee is found not in substantial compliance and the license is denied, the temporary licensee may request that MDH reconsider the license denial.

See the *Requesting Reconsideration of License Denial* form available on the [Temporary Licensed Home Care Provider Survey Forms page \(https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/survey/templicensed.html) of the MDH Home Care website.

## MDH website

In addition to the survey documents, providers can find more information about survey types, the survey process, statutory requirements for operating as a licensed home care provider and other important resources on the Home Care website. To receive updates from MDH, sign up on the website.

[Home Care \(https://www.health.state.mn.us/facilities/regulation/homecare/index.html\)](https://www.health.state.mn.us/facilities/regulation/homecare/index.html)

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