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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2665**

03/05/2012 Authored by Fritz

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to health; requiring reports on nursing personnel staffing; amending  
1.3 Minnesota Statutes 2010, section 144A.04, subdivision 7.  
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 144A.04, subdivision 7, is amended to  
1.6 read:

1.7 Subd. 7. **Minimum nursing staff requirement.** ~~Notwithstanding the provisions of~~  
1.8 ~~Minnesota Rules, part 4655.5600,~~ The minimum staffing standard for nursing personnel  
1.9 in certified nursing homes is as follows:

1.10 (a) The minimum number of hours of nursing personnel to be provided in a  
1.11 nursing home is ~~the greater of two~~ four hours per resident per 24 hours ~~or 0.95 hours per~~  
1.12 ~~standardized resident day. Upon transition to the 34 group, RUG-III resident classification~~  
1.13 ~~system, the 0.95 hours per standardized resident day shall no longer apply.~~

1.14 (b) For purposes of this subdivision, "hours of nursing personnel" means the paid,  
1.15 on-duty, productive nursing hours of all nurses and nursing assistants providing direct  
1.16 hands-on patient care, calculated on the basis of any given 24-hour period. "Productive  
1.17 nursing hours" means all on-duty hours during which nurses and nursing assistants are  
1.18 engaged in nursing duties. Examples of nursing duties may be found in Minnesota  
1.19 Rules, ~~parts 4655.5900, 4655.6100, and part~~ part 4655.6400. Not included are vacations,  
1.20 holidays, sick leave, in-service classroom training, or lunches. Also not included are the  
1.21 nonproductive nursing hours of the in-service training director. In homes with more than  
1.22 60 licensed beds, the hours of the director of nursing are excluded. "Standardized resident  
1.23 day" means the sum of the number of residents in each case mix class multiplied by the  
1.24 case mix weight for that resident class, as found in Minnesota Rules, part 9549.0059,

subpart 2, calculated on the basis of a facility's census for any given day. For the purpose of determining a facility's census, the commissioner of health shall exclude the resident days claimed by the facility for resident therapeutic leave or bed hold days.

(c) Calculation of nursing hours per standardized resident day is performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period. Certified nursing homes shall prepare annual reports showing the nursing home's calculation of nursing personnel staffing and compliance with the minimum staffing standards in this subdivision.

(d) The annual reports required in paragraph (c) must be filed with the Department of Health. The filed reports are public documents and must be posted in a prominent location at each nursing home site for review by patients, visitors, and staff. Copies must also be provided to pertinent collective bargaining representatives of nursing home staff upon request.

~~(d)~~ (e) A nursing home that is issued a notice of noncompliance under section 144A.10, subdivision 5, for a violation of this subdivision, shall be assessed a civil fine of \$300 for each day of noncompliance, subject to section 144A.10, subdivisions 7 and 8.

**EFFECTIVE DATE.** This section is effective the day following final enactment.