

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 602**

(SENATE AUTHORS: RASMUSSON)

DATE  
01/27/2025

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175 Introduction and first reading  
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to labor; removing expedited rulemaking authority for the Minnesota  
1.3 Nursing Home Workforce Standards Board; amending Minnesota Statutes 2024,  
1.4 sections 181.213, subdivisions 1, 3; 181.214, subdivision 1; 181.215, subdivision  
1.5 2.

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

1.7 Section 1. Minnesota Statutes 2024, section 181.213, subdivision 1, is amended to read:

1.8 Subdivision 1. **Authority to establish minimum nursing home employment**

1.9 **standards.** (a) The board must adopt rules establishing minimum nursing home employment  
1.10 standards that are reasonably necessary and appropriate to protect the health and welfare  
1.11 of nursing home workers, to ensure that nursing home workers are properly trained about  
1.12 and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy  
1.13 the purposes of sections 181.211 to 181.217. Standards established by the board must include  
1.14 standards on compensation for nursing home workers, and may include recommendations  
1.15 under paragraph (c). The board may not adopt standards that are less protective of or  
1.16 beneficial to nursing home workers as any other applicable statute or rule or any standard  
1.17 previously established by the board unless there is a determination by the board under  
1.18 subdivision 2 that existing standards exceed the operating payment rate and external fixed  
1.19 costs payment rates included in the most recent budget and economic forecast completed  
1.20 under section 16A.103. In establishing standards under this section, the board must establish  
1.21 statewide standards, and may adopt standards that apply to specific nursing home occupations.

1.22 (b) The board must adopt rules establishing initial standards for wages for nursing home  
1.23 workers no later than November 1, 2024. ~~The board may use the authority in section 14.389~~

2.1 ~~to adopt rules under this paragraph.~~ The board shall consult with the department in the  
2.2 development of these standards prior to beginning the rule adoption process.

2.3 (c) To the extent that any minimum standards that the board finds are reasonably  
2.4 necessary and appropriate to protect the health and welfare of nursing home workers fall  
2.5 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the  
2.6 standards but shall instead recommend the occupational health and safety standards to the  
2.7 commissioner. The commissioner shall adopt nursing home health and safety standards  
2.8 under section 182.655 as recommended by the board, unless the commissioner determines  
2.9 that the recommended standard is outside the statutory authority of the commissioner,  
2.10 presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and  
2.11 issues a written explanation of this determination.

2.12 Sec. 2. Minnesota Statutes 2024, section 181.213, subdivision 3, is amended to read:

2.13 Subd. 3. **Review of standards.** At least once every two years, the board shall:

2.14 (1) conduct a full review of the adequacy of the minimum nursing home employment  
2.15 standards previously established by the board; and

2.16 (2) following that review, adopt new rules, amend or repeal existing rules, or make  
2.17 recommendations to adopt new rules or amend or repeal existing rules for minimum nursing  
2.18 home employment standards ~~using the expedited rulemaking process in section 14.389,~~ as  
2.19 appropriate to meet the purposes of sections 181.211 to 181.217.

2.20 Sec. 3. Minnesota Statutes 2024, section 181.214, subdivision 1, is amended to read:

2.21 Subdivision 1. **Certification of worker organizations.** The board shall certify worker  
2.22 organizations that it finds are qualified to provide training to nursing home workers according  
2.23 to this section. The board shall by rule establish certification criteria that a worker  
2.24 organization must meet in order to be certified and provide a process for renewal of  
2.25 certification upon the board's review of the worker organization's compliance with this  
2.26 section. ~~In adopting rules to establish certification criteria under this subdivision, the board~~  
2.27 ~~may use the authority in section 14.389.~~ The criteria must ensure that a worker organization,  
2.28 if certified, is able to provide:

2.29 (1) effective, interactive training on the information required by this section; and

2.30 (2) follow-up written materials and responses to inquiries from nursing home workers  
2.31 in the languages in which nursing home workers are proficient.

3.1 Sec. 4. Minnesota Statutes 2024, section 181.215, subdivision 2, is amended to read:

3.2 Subd. 2. **Minimum content and posting requirements.** The board must adopt rules  
3.3 ~~under section 14.389~~ specifying the minimum content and posting requirements for the  
3.4 notices required in subdivision 1. The board must make available to nursing home employers  
3.5 a template or sample notice that satisfies the requirements of this section and rules adopted  
3.6 under this section.