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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1389**

02/18/2019 Authored by Fischer and Theis

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

1.1 A bill for an act

1.2 relating to health; making technical changes to sections relating to the Board of

1.3 Examiners for Nursing Home Administrators; establishing licensure for health

1.4 services executives; amending Minnesota Statutes 2018, sections 144A.04,

1.5 subdivision 5; 144A.20, subdivision 1; 144A.24; 144A.26; proposing coding for

1.6 new law in Minnesota Statutes, chapter 144A; repealing Minnesota Rules, part

1.7 6400.6970.

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

1.9 Section 1. Minnesota Statutes 2018, section 144A.04, subdivision 5, is amended to read:

1.10 Subd. 5. **Administrators.** ~~(a)~~ Each nursing home must employ an administrator who

1.11 must be licensed or permitted as a nursing home administrator by the Board of ~~Examiners~~

1.12 ~~for Nursing Home Administrators~~ Executives for Long Term Services and Supports. The

1.13 nursing home may share the services of a licensed administrator. The administrator must

1.14 maintain ~~a sufficient~~ an on-site presence in the facility to effectively manage the facility in

1.15 compliance with applicable rules and regulations. The administrator must establish procedures

1.16 and delegate authority for on-site operations in the administrator's absence, but is ultimately

1.17 responsible for the management of the facility. Each nursing home must have posted at all

1.18 times the name of the administrator and the name of the person in charge on the premises

1.19 in the absence of the licensed administrator.

1.20 ~~(b) Notwithstanding sections 144A.18 to 144A.27, a nursing home with a director of~~

1.21 ~~nursing serving as an unlicensed nursing home administrator as of March 1, 2001, may~~

1.22 ~~continue to have a director of nursing serve in that capacity, provided the director of nursing~~

1.23 ~~has passed the state law and rules examination administered by the Board of Examiners for~~

~~Nursing Home Administrators and maintains evidence of completion of 20 hours of continuing education each year on topics pertinent to nursing home administration.~~

Sec. 2. Minnesota Statutes 2018, section 144A.20, subdivision 1, is amended to read:

Subdivision 1. **Criteria.** The Board of ~~Examiners~~ Executives may issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for nursing home administrators. No license shall be issued to a person as a nursing home administrator unless that person:

(1) is at least 21 years of age ~~and otherwise suitably qualified;~~

(2) has satisfactorily met standards set by the Board of ~~Examiners~~ Executives, which standards shall be designed to assure that nursing home administrators will be individuals who, by training or experience are qualified to serve as nursing home administrators; and

(3) has passed an examination approved by the board and designed to test for competence in the ~~subject matters~~ standards referred to in clause (2), or has been approved by the Board of ~~Examiners~~ Executives through the development and application of other appropriate techniques.

Sec. 3. Minnesota Statutes 2018, section 144A.24, is amended to read:

144A.24 DUTIES OF THE BOARD.

The Board of ~~Examiners~~ Executives shall:

(1) develop and enforce standards for nursing home administrator licensing, which standards shall be designed to assure that nursing home administrators will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators;

(2) develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;

(3) issue licenses and permits to those individuals who are found to meet the board's standards;

(4) establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;

(5) receive and investigate complaints and take appropriate action consistent with chapter 214, to revoke or suspend the license or permit of a nursing home administrator or acting administrator who fails to comply with sections 144A.18 to 144A.27 or the board's standards;

(6) conduct a continuing study and investigation of nursing homes, and the administrators of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of administrators and improvement of the procedures and methods used for enforcement of the board's standards; and

(7) approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. ~~Courses designed to meet license renewal requirements shall be designed solely to improve professional skills and shall not include classroom attendance requirements exceeding 50 hours per year.~~ The board may approve courses conducted within or without this state.

Sec. 4. Minnesota Statutes 2018, section 144A.26, is amended to read:

144A.26 RECIPROCITY WITH OTHER STATES AND EQUIVALENCY OF HEALTH SERVICES EXECUTIVE.

Subdivision 1. Reciprocity. The Board of Examiners may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is otherwise qualified.

Subd. 2. Health services executive license. The Board of Examiners may issue a health services executive license to any person who (1) has been validated by the National Association of Long Term Care Administrator Boards as a health services executive, and (2) has met the education and practice requirements for the minimum qualifications of a nursing home administrator, assisted living administrator, and home and community-based service provider. Licensure decisions made by the board under this subdivision are final.

Sec. 5. [144A.39] FEES.

Subdivision 1. Payment types and nonrefundability. The fees imposed in this section shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Executives for Long Term Services and Supports. All fees are nonrefundable.

Subd. 2. Amount. The amount of fees may be set by the board with the approval of Minnesota Management and Budget up to the limits provided in this section depending upon the total amount required to sustain board operations under section 16A.1285,

- 4.1 subdivision 2. Information about fees in effect at any time is available from the board office.
- 4.2 The maximum amounts of fees are:
- 4.3 (1) application for licensure, \$150;
- 4.4 (2) for a prospective applicant for a review of education and experience advisory to the
- 4.5 license application, \$50, to be applied to the fee for application for licensure if the latter is
- 4.6 submitted within one year of the request for review of education and experience;
- 4.7 (3) state examination, \$75;
- 4.8 (4) licensed nursing home administrator initial license, \$200 if issued between July 1
- 4.9 and December 31, \$100 if issued between January 1 and June 30;
- 4.10 (5) acting administrator permit, \$250;
- 4.11 (6) renewal license, \$200;
- 4.12 (7) duplicate license, \$10;
- 4.13 (8) fee to a sponsor for review of individual continuing education seminars, institutes,
- 4.14 workshops, or home study courses:
- 4.15 (i) for less than seven clock hours, \$30; and
- 4.16 (ii) for seven or more clock hours, \$50;
- 4.17 (9) fee to a licensee for review of continuing education seminars, institutes, workshops,
- 4.18 or home study courses not previously approved for a sponsor and submitted with an
- 4.19 application for license renewal:
- 4.20 (i) for less than seven clock hours total, \$30; and
- 4.21 (ii) for seven or more clock hours total, \$50;
- 4.22 (10) late renewal fee, \$50;
- 4.23 (11) fee to a licensee for verification of licensure status and examination scores, \$30;
- 4.24 (12) registration as a registered continuing education sponsor, \$1,000; and
- 4.25 (13) health services executive initial license, \$200 if issued between July 1 and December
- 4.26 31, \$100 if issued between January 1 and June 30.

4.27 **Sec. 6. REVISOR INSTRUCTION.**

4.28 The revisor of statutes shall change the phrases "Board of Examiners for Nursing Home

4.29 Administrators" to "Board of Executives for Long Term Services and Supports" and "Board

5.1 of Examiners" to "Board of Executives" wherever the phrases appear in Minnesota Statutes
5.2 and apply to the board established in Minnesota Statutes, section 144A.19.

5.3 Sec. 7. **REPEALER.**

5.4 Minnesota Rules, part 6400.6970, is repealed.

6400.6970 FEES.

Subpart 1. **Payment types and nonrefundability.** The fees imposed in this part shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Examiners for Nursing Home Administrators. All fees are nonrefundable.

Subp. 2. **Amounts.** The amount of fees may be set by the board with the approval of the Department of Management and Budget up to the limits provided in this part depending upon the total amount required to sustain board operations under Minnesota Statutes, section 16A.1285, subdivision 2. Information about fees in effect at any time is available from the board office. The maximum amounts of fees are:

- A. application for licensure, \$150;
- B. for a prospective applicant for a review of education and experience advisory to the license application, \$50, to be applied to the fee for application for licensure if the latter is submitted within one year of the request for review of education and experience;
- C. state examination, \$75;
- D. initial license, \$200 if issued between July 1 and December 31, \$100 if issued between January 1 and June 30;
- E. acting administrator permit, \$250;
- F. renewal license, \$200;
- G. duplicate license, \$10;
- H. fee to a sponsor for review of individual continuing education seminars, institutes, workshops, or home study courses:
 - (1) for less than seven clock hours, \$30; and
 - (2) for seven or more clock hours, \$50;
- I. fee to a licensee for review of continuing education seminars, institutes, workshops, or home study courses not previously approved for a sponsor and submitted with an application for license renewal:
 - (1) for less than seven clock hours total, \$30; and
 - (2) for seven or more clock hours total, \$50;
- J. late renewal fee, \$50;
- K. fee to a licensee for verification of licensure status and examination scores, \$30; and
- L. registration as a registered continuing education sponsor, \$1,000.