

Sec. 8. This act is effective upon approval by the county board of Marshall county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 13, 1976.

CHAPTER 310—S.F.No.2025

[Coded]

An act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

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

Section 1. [144A.61] NURSING HOMES; NURSING ASSISTANT TRAINING. Subdivision 1. **PURPOSE.** The purpose of this act is to improve the quality of care provided to patients of nursing homes by assuring that approved programs for the training of nursing assistants are established as necessary throughout the state.

Subd. 2. NURSING ASSISTANTS. For the purposes of this act "nursing assistant" means a nursing home employee, including a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse. The board of nursing may, by rule, establish categories of nursing assistants who are not required to comply with the educational requirements of this act.

Subd. 3. CURRICULA. The commissioner of education shall develop curricula which may be used for nursing assistant training programs for employees of nursing homes. The curricula, as approved by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs.

Subd. 4. TECHNICAL ASSISTANCE. The commissioner of education shall, upon request, provide necessary and appropriate technical assistance in the development of nursing assistant training programs.

Subd. 5. APPROVAL OF CURRICULA. The board of nursing shall review and approve curricula developed by the commissioner of education and any other educational authorities for nursing assistant training programs for employees of nursing homes.

Subd. 6. TRAINING MANDATED. Each nursing assistant hired to work in a nursing home on or after July 1, 1977, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's

Changes or additions indicated by underline deletions by ~~strikeout~~

employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

Subd. 7. **CORRECTION ORDERS.** Violation of this act by a nursing home shall be grounds for the issuance of a correction order to the nursing home by the state board of health. The failure of the nursing home to correct the deficiency or deficiencies specified in the correction order shall result in the assessment of a fine in accordance with the schedule of fines promulgated by rule of the state board of health.

Subd. 8. **EMPLOYEES EXEMPTED.** Employees of nursing homes conducted in accordance with the teachings of the body known as the Church of Christ, Scientist, shall be exempt from the requirements of this act.

Sec. 2. **[144A.611] COST REIMBURSEMENT.** Subdivision 1. **NURSING HOMES.** The actual costs of tuition and reasonable expenses for that approved program deemed by the board of nursing to be minimally necessary to protect the health and welfare of nursing home residents, which are paid to nursing home assistants pursuant to subdivision 2 of this section, shall be a reimbursable expense for nursing homes under the provisions of Minnesota Statutes, Chapter 256B and the rules promulgated thereunder.

Subd. 2. **NURSING ASSISTANTS.** A nursing assistant who has completed an approved training program shall be reimbursed by the nursing home for his actual costs of tuition and reasonable expenses for the training program 90 days after the date of his employment, or upon completion of the approved training program, whichever is later.

Subd. 3. **RULES.** The commissioner of public welfare shall promulgate any rules necessary to implement the provisions of this section. The rules shall include, but not be limited to:

(a) Provisions designed to prevent reimbursement by the commissioner under this act to a nursing home or a nursing assistant for the assistant's training in more than one approved program;

(b) Provisions designed to prevent reimbursement by the commissioner under this act to more than one nursing home for the training of any individual nursing assistant; and

(c) Provisions permitting the reimbursement by the commissioner to nursing homes and nursing assistants for the re-training of a nursing assistant after an absence from the labor market of not less than five years.

Sec. 3. **EFFECTIVE DATE.** This bill shall be effective the day following final enactment.

Approved April 13, 1976.

Changes or additions indicated by underline deletions by ~~strikeout~~