

is required is ineligible to become a candidate for the office of school board member, as defined in subdivision 1. Ineligibility is determined by the registration requirements in effect at the time the offender files for office, not by the registration requirements, if any, that were in effect at the time the offender was convicted.

Sec. 2. Minnesota Statutes 1998, section 205A.06, is amended by adding a subdivision to read:

Subd. 1b. **SCHOOL BOARD MEMBER; SEX OFFENDER; INELIGIBLE TO FILE AFFIDAVIT OF CANDIDACY.** A sex offender who has been convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member and may not file an affidavit of candidacy for that office. Ineligibility is determined by the registration requirements in effect at the time the offender files for office, not by the registration requirements, if any, that were in effect at the time the offender was convicted.

Presented to the governor April 22, 1999

Signed by the governor April 26, 1999, 1:18 p.m.

#### CHAPTER 102—S.F.No. 1273

*An act relating to professions; modifying provisions relating to nursing home administrator licensing, the board of examiners for nursing home administrators, immunity for board members and staff, and acting administrator permits; amending Minnesota Statutes 1998, sections 144A.19, subdivision 1; 144A.20, subdivision 1; 144A.22; 144A.24; and 144A.27; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, sections 144A.19, subdivision 3; 144A.20, subdivision 2; and 144A.29.*

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

Section 1. Minnesota Statutes 1998, section 144A.19, subdivision 1, is amended to read:

Subdivision 1. **CREATION; MEMBERSHIP.** There is hereby created the board of examiners for nursing home administrators which shall consist of the following members:

- (a) a designee of the commissioner of health who shall be a nonvoting member;
- (b) a designee of the commissioner of human services, or a designee who shall be a nonvoting member; and
- (c) the following members appointed by the governor:
  - (1) two members actively engaged in the management, operation, or ownership of proprietary nursing homes;
  - (2) two members actively engaged in the management or operation of nonprofit nursing homes;
  - (3) one member actively engaged in the practice of medicine;

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- (4) one member actively engaged in the practice of professional nursing; and
- (5) three public members as defined in section 214.02.

Sec. 2. Minnesota Statutes 1998, section 144A.20, subdivision 1, is amended to read:

Subdivision 1. **CRITERIA.** The board of examiners 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:

- (a) is at least ~~18~~ 21 years of age and otherwise suitably qualified;
- (b) has satisfactorily met standards set by the board of examiners, 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
- (c) has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (b), or has been approved by the board of examiners through the development and application of other appropriate techniques.

Sec. 3. Minnesota Statutes 1998, section 144A.22, is amended to read:

#### 144A.22 ORGANIZATION OF BOARD.

The board of examiners shall elect from its membership a chair, vice-chair and secretary-treasurer, and shall adopt rules to govern its proceedings. Except as otherwise provided by law the board of examiners shall employ and fix the compensation and duties of an executive director and other necessary personnel to assist it in the performance of its duties. The executive director shall be in the unclassified service and shall not be a member of the board of examiners.

Sec. 4. Minnesota Statutes 1998, section 144A.24, is amended to read:

#### 144A.24 DUTIES OF THE BOARD.

The board of examiners shall:

- (a) 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;
- (b) develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;
- (c) issue licenses and permits to those individuals who are found to meet the board's standards;
- (d) establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;
- (e) 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;

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(f) 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

(g) 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. 5. [144A.252] IMMUNITY.**

Members of the board of examiners for nursing home administrators and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of sections 144A.18 to 144A.27, or of rules adopted pursuant to sections 144A.18 to 144A.27 on behalf of the board, are immune from civil liability and criminal prosecution for any actions, transactions, or publication in execution of, or relating to, their duties under sections 144A.18 to 144A.27 provided they are acting in good faith.

Sec. 6. Minnesota Statutes 1998, section 144A.27, is amended to read:

**144A.27 ACTING ADMINISTRATORS.**

If a licensed nursing home administrator is removed from the position by death or other unexpected cause, the controlling persons of the nursing home suffering the removal may designate an acting nursing home administrator who shall secure an acting administrator's license permit within 30 days of appointment as the acting administrator.

**Sec. 7. REPEALER.**

Minnesota Statutes 1998, sections 144A.19, subdivision 3; 144A.20, subdivision 2; and 144A.29, are repealed.

**Sec. 8. EFFECTIVE DATE.**

Sections 1 to 7 are effective the day following final enactment.

Presented to the governor April 22, 1999

Signed by the governor April 26, 1999, 1:20 p.m.

**CHAPTER 103—S.F.No. 832**

*An act relating to securities regulation; making changes applicable to securities registered under the small company offering registration; amending Minnesota Statutes 1998, section 80A.115, subdivisions 4 and 9.*

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

Section 1. Minnesota Statutes 1998, section 80A.115, subdivision 4, is amended to read:

Subd. 4. **CONDITIONS.** In order to register under this section, all of the following conditions must be satisfied:

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