

of collecting, preserving, storing, housing, printing, publishing, distributing and exhibiting data and material pertaining to the history of the city, for the purpose of commemorating the anniversary of any important and outstanding event in such history, and to preserve such history data and material for future generations. The amount appropriated shall not exceed \$2,000 in any one year.

**Sec. 2. [471.935] APPROPRIATIONS FOR SENIOR, YOUTH CENTERS.**

A statutory or home rule charter city, county, or town may appropriate money to support the facilities, programs, and services of a public or private, not-for-profit senior citizen center or youth center.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:20 p.m.

**CHAPTER 156—H.F.No. 60**

*An act relating to health; allowing reimbursement for supplemental private duty nursing services provided by spouses of recipients under the community alternative care home and community-based waived services program; amending Minnesota Statutes 1998, section 256B.49, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1998, section 256B.49, is amended by adding a subdivision to read:

**Subd. 10. PRIVATE DUTY NURSING SERVICES PROVIDED BY A SPOUSE.** The commissioner shall seek to amend the community alternative care home and community-based waived services program to include payment for spouses providing private duty nursing care to a recipient who can direct his or her own care. For purposes of this subdivision, a recipient can direct his or her own care if the recipient can communicate:

- (1) orientation to person, place, and time;
- (2) an understanding of the recipient's plan of care, including medications and medication schedule;
- (3) needs; and
- (4) an understanding of safety issues, including how to access emergency assistance.

Private duty nursing may be provided by a spouse who is a licensed nurse employed by a Medicare certified home health agency, in cases where there is a lack of a sufficient number of qualified providers or private duty nurses and to prevent the hospitalization of the recipient. Private duty nursing services provided by a spouse cannot be used in lieu of nursing services covered and available under liable third-party payers including Medicare and medical assistance not paid by the waiver. The private duty nursing provided by

New language is indicated by underline, deletions by ~~strikeout~~.

a spouse must be included in the plan of care and must be scheduled by the home health agency, and may be covered for up to 24 hours per week. In no case shall the authorization of these services provided by the spouse exceed 50 percent of the total approved nursing hours or eight hours per day, whichever is less. Nothing in this subdivision precludes the spouse's obligation of assuming the nonreimbursed family responsibilities of emergency backup caregiver and primary caregiver. The waiver interdisciplinary team shall recommend to the commissioner whether the provision of private duty nursing care by a spouse is appropriate. In no case shall a spouse be paid to provide private duty nursing care if the spouse fails to pass a criminal background check according to section 245A.04, or if it has been determined by the home health agency or the waiver case manager that the private duty nursing care provided by the spouse is unsafe. This subdivision is effective upon the date of federal approval.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:21 p.m.

#### CHAPTER 157—S.F.No. 1449

*An act relating to natural resources; renaming a state park; adding to and deleting from state parks; authorizing a land exchange in a state park; transferring land from a state wayside to a state park and abolishing a state wayside; authorizing a private sale of surplus land in Rock county; renaming the visitors' center at Gooseberry Falls state park; amending Minnesota Statutes 1998, section 85.012, subdivision 19; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 1998, section 85.013, subdivision 8.*

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

Section 1. Minnesota Statutes 1998, section 85.012, subdivision 19, is amended to read:

Subd. 19. Forestville Mystery Cave state park, Fillmore county.

#### Sec. 2. ADDITIONS TO STATE PARKS.

Subdivision 1. [85.012] [Subd. 2.] BANNING STATE PARK, PINE COUNTY. The following area is added to Banning state park, all in Section 15, Township 42 North, Range 20 West, Pine county: That part of the Northeast Quarter of the Northwest Quarter of Section 15 lying easterly of the following described line: Commencing at the northeast corner of the intersection of Division Street and Palisade Avenue in the recorded plat of Sandstone, Pine county, Minnesota; thence southerly along the east line of said Palisade Avenue 868 feet, more or less, to the south line of said Northeast Quarter of the Northwest Quarter; thence easterly along said south line 360 feet to the point of beginning; thence northwesterly to a point 160 feet easterly along the easterly extension of the north line of said Division Street from the point of commencement; thence northerly parallel with the northerly extension of the east line of said Palisade Avenue to the north line of said Northeast Quarter of the Northwest Quarter and there terminating.

Subd. 2. [85.012] [Subd. 10.] CAMDEN STATE PARK, LYON COUNTY. The following areas are added to Camden state park, all in Township 110 North, Range 42 West, Lyon county:

New language is indicated by underline, deletions by ~~strikeout~~.