

(i) the recipient:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual is fleeing, for a crime which is a felony under the laws of that jurisdiction;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) is a person required to register under section 243.166 and is not residing at the address at which the person is registered under section 243.166; or

(D) has information necessary for the officer to conduct the officer's official duties;

(ii) the location or apprehension of the individual is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duties.

**Sec. 3. [176.862] DISCLOSURE TO LAW ENFORCEMENT.**

The commissioner must disclose the current address of an employee collected or maintained under this chapter to law enforcement officers who provide the name of the employee and notify the commissioner that the employee is a person required to register under section 243.166 and is not residing at the address at which the employee is registered under section 243.166.

Presented to the governor March 30, 2000

Signed by the governor April 3, 2000, 1:55 p.m.

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**CHAPTER 312—S.F.No. 2896**

*An act relating to health; requiring the commissioner to develop procedures for the nursing home survey process; allowing nursing homes to train and employ resident assistants to assist residents with eating and drinking; requiring various studies and reports; amending Laws 1999, chapter 245, article 3, section 45; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, section 144A.103; Minnesota Rules, part 4658.0515.*

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

**Section 1. [144A.62] RESIDENT ATTENDANTS.**

Subdivision 1. ASSISTANCE WITH EATING AND DRINKING. (a) Upon federal approval, a nursing home may employ resident attendants to assist with the activities authorized under subdivision 2. The resident attendant will not be counted in the minimum staffing requirements under section 144A.04, subdivision 7.

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

(b) The commissioner shall submit by May 15, 2000, a request for a federal waiver necessary to implement this section.

Subd. 2. DEFINITION. "Resident attendant" means an individual who assists residents in a nursing home with the activities of eating and drinking. A resident attendant does not include an individual who:

- (1) is a licensed health professional or a registered dietitian;
- (2) volunteers without monetary compensation; or
- (3) is a registered nursing assistant.

Subd. 3. REQUIREMENTS. (a) A nursing home may not use on a full-time or other paid basis any individual as a resident attendant in the nursing home unless the individual:

- (1) has completed a training and competency evaluation program encompassing the tasks the individual provides;
- (2) is competent to provide feeding and hydration services; and
- (3) is under the supervision of the director of nursing.

(b) A nursing home may not use a current employee as a resident attendant unless the employee satisfies the requirements of paragraph (a) and volunteers to be used in that capacity.

Subd. 4. EVALUATION. The training and competency evaluation program may be facility based. It must include, at a minimum, the training and competency standards for eating and drinking assistance contained in the nursing assistant training curriculum.

Subd. 5. CRIMINAL BACKGROUND CHECK. A person seeking employment as a resident attendant is subject to the criminal background check requirements.

Subd. 6. NONRETALIATION. Employees shall not be subject to disciplinary action if they choose not to volunteer under this section.

Subd. 7. RESIDENT PROTECTIONS. Resident attendants are subject to requirements for volunteer feeding assistants in Minnesota Rules, part 4658.0530.

Subd. 8. EXCEPTIONS. A resident attendant may not be assigned to feed any resident who:

- (1) is at risk of choking while eating or drinking;
  - (2) presents significant behavior management challenges while eating or drinking;
- or
- (3) presents other risk factors that may require emergency intervention.

## **Sec. 2. NURSING HOME SURVEY PROCESS.**

(a) The commissioner of health, in consultation with the long-term care ombudsman, nursing home consumer and advocacy groups, nursing home provider

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organizations, unions representing nursing home employees, and other health care professionals shall examine state and federal rules and regulations governing the provision of care in nursing homes and develop and implement, upon receipt of necessary federal approval, alternative procedures for the nursing home survey process. The commissioner shall pursue changes to federal law necessary to accomplish this process and shall apply for any necessary federal waivers or approval.

(b) If a federal waiver is required, the commissioner shall submit the waiver request no later than May 15, 2000. The commissioner shall pursue any necessary federal law changes by July 1, 2000. The alternative procedures shall be implemented January 1, 2001, or upon federal approval.

(c) The alternative procedures for the nursing home survey process shall:

(1) reward nursing homes with very good performance by extending intervals between full surveys based on criteria to be established by the commissioner;

(2) use other existing or new mechanisms to provide objective assessments of quality and to measure quality improvement;

(3) provide for frequent collaborative interaction of facility staff and surveyors rather than a punitive approach; and

(4) use department resources more effectively and efficiently to target problem areas.

(d) Upon implementation of the alternative survey process, the commissioner shall work in conjunction with industry stakeholders to evaluate the qualitative benefits and effectiveness of the new process and to ensure that the resources of the health department are properly aligned with the alternative survey process. Prior to implementation of the alternative survey process, the commissioner must provide assurance to residents and family members that the new process will not reduce or restrict the quality of care provided to all residents.

Sec. 3. Laws 1999, chapter 245, article 3, section 45, is amended to read:

**Sec. 45. STATE LICENSURE CONFLICTS WITH FEDERAL REGULATIONS.**

(a) Notwithstanding the provisions of Minnesota Rules, part 4658.0520, an incontinent resident must be checked according to a specific time interval written in the resident's care plan. The resident's attending physician must authorize in writing any interval longer than two hours unless the resident, if competent, or a family member or legally appointed conservator, guardian, or health care agent of a resident who is not competent, agrees in writing to waive physician involvement in determining this interval.

(b) This section expires July 1, 2001.

New language is indicated by underline, deletions by strikeout.

**Sec. 4. DEFENSIVE DOCUMENTATION.**

The commissioner of health, in consultation with the nursing home industry, consumers, unions representing nursing home employees, and advocates, shall develop and report to the legislature by January 15, 2001, with a proposal to resolve the issue of defensive documentation in nursing homes.

**Sec. 5. FEDERAL WAIVER REQUEST.**

The commissioner of health shall seek a waiver from the federal government to decrease the amount of paperwork nursing homes must complete when a stay in a nursing home is less than 30 days.

**Sec. 6. REGULATIONS THAT IMPEDE DIRECT CARE OF RESIDENTS.**

The commissioners of health and human services, in consultation with trade groups, consumers, advocates, unions representing nursing home employees, and families, shall develop and report to the legislature by January 15, 2001, with a proposal to decrease regulations that impede direct care of residents in nursing homes.

**Sec. 7. REPEALER.**

Minnesota Statutes 1998, section 144A.103, is repealed. Minnesota Rules, part 4658.0515, is repealed.

**Sec. 8. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor March 30, 2000

Signed by the governor April 3, 2000, 2:08 p.m.

**CHAPTER 313—S.F.No. 2748**

*An act relating to health; modifying ambulance service and EMT requirements; amending Minnesota Statutes 1999 Supplement, sections 144E.101, subdivision 9; 144E.28, subdivisions 5 and 7; 144E.285, subdivisions 1 and 4; 144E.29; 144E.305, subdivisions 1 and 2; and 144E.50, subdivision 6; repealing Minnesota Rules, parts 4690.0100, subpart 28; 4690.3500; 4690.7900, subpart 2; and 4735.5100.*

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

Section 1. Minnesota Statutes 1999 Supplement, section 144E.101, subdivision 9, is amended to read:

**Subd. 9. SPECIALIZED LIFE SUPPORT.** A specialized ground life support service providing advanced life support shall be staffed by at least one EMT and one EMT-P, registered nurse, or physician assistant. A specialized life support service shall provide basic or advanced life support as designated by the board, and shall be restricted by the board to:

New language is indicated by underline, deletions by strikeout.