

or deny the personnel variance within 30 days of receiving the complete application.

EFFECTIVE DATE. This section is effective for the 2001-2002 school year and following.

Sec. 2. BOARD OF TEACHING; RULES.

The board of teaching shall amend Minnesota Rules, parts 8710.1250, subpart 3, and 8710.1400, subpart 3, to conform with section 1 by deleting "August 1" and inserting "July 1." This amendment may be done according to Minnesota Statutes, section 14.388, under authority of clause (3) of that section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor April 30, 2001

Signed by the governor May 2, 2001, 2:58 p.m.

CHAPTER 69—H.F.No. 1522

An act relating to health; modifying requirements for full-time nursing home administrators; amending Minnesota Statutes 2000, section 144A.04, subdivision 5; repealing Minnesota Statutes 2000, section 144A.04, subdivisions 5a, 7a; Minnesota Rules, part 4658.0055, subpart 2.

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

Section 1. Minnesota Statutes 2000, section 144A.04, subdivision 5, is amended to read:

Subd. 5. **ADMINISTRATORS.** Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. Notwithstanding sections 144A.18 to 144A.27, in any nursing home of less than 45 beds, the director of nursing services may also serve as the licensed nursing home administrator without being licensed as a nursing home administrator, provided the director of nursing services 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. Two nursing homes under common ownership or management pursuant to a lease or management contract having a total of 150 beds or less and located within 75 miles of each other may share the services of a licensed administrator if the administrator divides the full-time work week between the two facilities in proportion to the number of beds in each facility. Every nursing home shall have a person-in-charge on the premises at all times in the absence of the licensed administrator. (a) Each nursing home must employ an administrator who must be licensed or permitted as a nursing home administrator by the board of examiners for nursing home administrators. The nursing home may share the services of a licensed administrator. The administrator must maintain a sufficient on-site

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

presence in the facility to effectively manage the facility in compliance with applicable rules and regulations. The administrator must establish procedures and delegate authority for on-site operations in the administrator's absence, but is ultimately responsible for the management of the facility. Each nursing home must have posted at all times the name of the administrator and the name of the person in charge on the premises in the absence of the licensed administrator.

(b) Notwithstanding sections 144A.18 to 144A.27, a nursing home with a director of nursing serving as an unlicensed nursing home administrator as of March 1, 2001, may continue to have a director of nursing serve in that capacity, provided the director of nursing 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. The name of the person in charge must be posted in a conspicuous place in the facility. The commissioner of health shall by rule promulgate minimum education and experience requirements for persons-in-charge, and may promulgate rules specifying the times of day during which a licensed administrator must be on the nursing home's premises. In the absence of rules adopted by the commissioner governing the division of an administrator's time between two nursing homes, the administrator shall designate and post the times the administrator will be on site in each home on a regular basis. A nursing home may employ as its administrator the administrator of a hospital licensed pursuant to sections 144.50 to 144.56 if the individual is licensed as a nursing home administrator pursuant to section 144A.20 and the nursing home and hospital have a combined total of 150 beds or less and are located within one mile of each other. A nonproprietary retirement home having fewer than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home, having fewer than 150 licensed nursing home beds, that is located within 25 miles of the retirement home. A nursing home which is located in a facility licensed as a hospital pursuant to sections 144.50 to 144.56, may employ as its administrator the administrator of the hospital if the individual meets minimum education and long term care experience criteria set by rule of the commissioner of health.

Sec. 2. REPEALER.

Minnesota Statutes, section 144A.04, subdivisions 5a and 7a, and Minnesota Rules, part 4658.0055, subpart 2, are repealed.

Presented to the governor April 30, 2001

Signed by the governor May 2, 2001, 2:50 p.m.

CHAPTER 70—H.F.No. 1681

An act relating to state employment; making technical and housekeeping changes; classifying employee identification numbers as public data; extending a pilot project; placing

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