

Subdivision 1. **HOSPITALS.** Notwithstanding the provisions of any law to the contrary, any county or municipal hospital board may employ a certified public accountant to annually audit and examine the books of said hospital. The report of such examination or audit by such certified public accountant shall be submitted to the state auditor who shall review such audit report and may accept such audit or make such additional examinations as the state auditor deems to be in the public interest.

Subd. 2. **NURSING HOMES.** Notwithstanding the provisions of any law to the contrary, any county nursing home board may employ a certified public accountant to annually audit and examine the books of the nursing home. The report of the examination or audit by the certified public accountant must be submitted to the state auditor. The state auditor shall review the audit report and may accept the audit or make additional examinations as the state auditor deems to be in the public interest.

Presented to the governor May 13, 2003

Signed by the governor May 16, 2003, 3:46 p.m.

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#### CHAPTER 54—S.F.No. 422

*An act relating to examiners of titles; adding Scott and Wright counties to those with an alternative means of compensation; amending Minnesota Statutes 2002, section 508.12, subdivision 1.*

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

Section 1. Minnesota Statutes 2002, section 508.12, subdivision 1, is amended to read:

Subdivision 1. **EXAMINER AND DEPUTY EXAMINER.** The judges of the district court shall appoint a competent attorney in each county within their respective districts to be an examiner of titles and legal adviser to the registrar in said county, to which examiner all applications to register title to land are referred without further order, and may appoint attorneys to serve as deputy examiners who shall act in the name of the examiner and under the examiner's supervision and control, and the deputy's acts shall be the acts of the examiners. The examiner of titles and deputy examiners shall hold office subject to the will and discretion of the district court by whom appointed. The examiner's compensation and that of the examiner's deputies shall be fixed and determined by the court and paid in the same manner as the compensation of other county employees is paid except that in all counties having fewer than 75,000 inhabitants, and in Stearns, Dakota, Scott, Wright, and Olmsted counties the fees and compensation of the examiners for services as legal adviser to the registrar shall be determined by the judges of the district court and paid in the same manner as the compensation of other county employees is paid, but in every other instance shall be paid by the person applying to have the person's title registered or for

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other action or relief which requires the services, certification or approval of the examiner.

Presented to the governor May 13, 2003

Signed by the governor May 16, 2003, 3:40 p.m.

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### CHAPTER 55—H.F.No. 1251

*An act relating to health; modifying nursing home qualification requirements; modifying requirements for medical assistance payment demonstration project for nursing homes; seeking change in federal policy; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, sections 144A.04, subdivision 3, by adding a subdivision; 144A.70, subdivision 6; 256B.434, subdivision 10.*

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

Section 1. Minnesota Statutes 2002, section 144A.04, subdivision 3, is amended to read:

Subd. 3. **STANDARDS.** (a) The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the commissioner of health with respect to the construction, equipment, maintenance and operation of a nursing home. The commissioner of health may temporarily waive compliance with one or more of the standards if the commissioner determines that:

(a) (1) temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) (2) a controlling person on behalf of all other controlling persons:

(1) (i) has entered into a contract to obtain the materials or labor necessary to meet the standard set by the commissioner of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) (ii) is otherwise making a diligent good faith effort to meet the standard.

The commissioner shall make available to other nursing homes information on facility-specific waivers that are granted. The commissioner shall, upon the request of a facility, extend a waiver granted to a specific facility to other similarly situated facilities, if the commissioner determines that these facilities also satisfy clauses (1) and (2) and any other terms and conditions of the waiver.

The commissioner of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the commissioner if the commissioner determines that the needs of

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