

The state auditor shall transmit such warrant to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Approved May 27, 1969.

CHAPTER 770—H. F. No. 1069

[Coded]

An act relating to nursing homes and nursing home administrators; providing for the licensing of nursing home administrators; creating the Minnesota state board of examiners for nursing home administrators; fixing its membership, and prescribing its powers, duties and functions; providing requirements for licensure as a nursing home administrator; providing for license fees; creating the state board of nursing home administrators fund; and appropriating money.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [144.951] **Nursing homes; definitions.** Subdivision 1. For the purposes of sections 1 to 15, and as used herein, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. The term "board" means the Minnesota state board of examiners for nursing home administrators hereinafter created.

Subd. 3. The term "nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether or not such individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more individuals.

Subd. 4. The term "nursing home" means any institution or facility licensed as such under Minnesota Statutes, Sections 144.50 to 144.56 by the state board of health.

Sec. 2. [144.952] **Composition of the board.** Subdivision 1. There is hereby created the state board of examiners for nursing home administrators which shall consist of the following members:

(a) A designee of the state board of health who shall be a non-voting member;

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(b) the commissioner of public welfare, or his designee who shall be a non-voting member; and the following members appointed by the governor;

(c) two members actively engaged in the management, operation, or ownership of proprietary nursing homes;

(d) two members actively engaged in the management or operation of non-profit nursing homes or hospitals caring for chronically ill or infirm-aged patients;

(e) one member actively engaged in the practice of medicine;

(f) one member actively engaged in the practice of professional nursing; and

(g) three members from the general public who are not engaged in the management, ownership, operation or supervision of any nursing home or hospital.

Subd. 2. The three members appointed from the general public shall serve until July 1, 1974 or until their successors shall be appointed and qualify; the two members appointed from those actively engaged in the management, operation or ownership of nursing homes shall serve until July 1, 1973 or until their successors are appointed and qualify; the two members appointed from those actively engaged in the management or operation of hospitals or nursing homes caring for the chronically ill or infirmed, aged patients, shall serve until July 1, 1972; or until their successors are appointed and qualify; the member appointed from those actively engaged in the practice of medicine shall serve until July 1, 1971 or until his successor is appointed and qualifies; the member appointed from those actively engaged in the profession of nursing shall serve until July 1, 1970 or until her successor is appointed and qualifies. Thereafter, any appointment to fill a vacancy shall be for a term of five years. Any vacancy occurring in the position of any appointed member shall be filled by the governor for the unexpired term. Appointed members may be removed by the governor for misconduct, incapacity, incompetence or negligence of duty after being served with a written statement of charges and after the completion of a hearing on such charges.

Sec. 3. [144.953] **Qualifications for licensure.** Subdivision 1. The board shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No license shall be issued to a person as a nursing home administrator unless:

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(a) he is at least 21 years of age, of good moral character and otherwise suitable and unless he is of sound physical and mental health;

(b) he has satisfactorily met standards set by the board, which standards shall be designed to insure that nursing home administrators will be individuals who, by training or experience are qualified to serve as nursing home administrators;

(c) he has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (b) hereof or unless he has been approved by the board through the development and application of other appropriate techniques.

Provided, however, nothing in this act or the rules and regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator or a provisional license, who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary, persons meeting the standards of good moral character and sound physical and mental health who have been certified, upon the filing of an application, by the state board of health as "administrators" and are serving in such capacity on the effective date hereof, shall be granted a temporary license as "nursing home administrators" for a period of three years after the effective date hereof, or until June 30, 1972, whichever is earlier, to allow such persons to meet the requirements as determined by this board. All persons applying for a license after the effective date hereof must meet the conditions and requirements as may be prescribed by such board.

Sec. 4. [144.954] **Licensing function.** The board shall license nursing home administrators in accordance with rules and regulations issued, and from time to time revised by it all in accordance with the Administrative Procedures Act. A nursing home administrator's license shall not be transferable and shall be valid as provided under the provisions of sections 1 to 15 or until surrendered for cancellation or suspended or revoked for violation of sections 1 to 15, for

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violation of any standards of the board or for violation of any other laws or regulations relating to the proper administration and management of a nursing home. Denial of issuance or renewal, or suspension or revocation under section 9, clause (3), shall be subject to review upon the timely written request of review pursuant to the Administrative Procedures Act.

Sec. 5. [144.955] License fees. Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in amounts to be fixed by the board, which fees shall not exceed \$100. An initial license shall expire on June 30 of the year following its issuance, and shall be renewable pursuant to the relevant provisions of section 10.

Sec. 6. [144.956] Disposition of fees. All fees collected under the provisions of this act shall be paid monthly to the state treasurer, who shall keep the same in the general revenue fund of the state treasury.

Sec. 7. [144.957] Organization of board. The board shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. All members shall be allowed necessary travel and living expenses, as may be approved by the board. The board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

Sec. 8. [144.958] Exclusive jurisdiction of board. The board shall have exclusive authority to determine the qualifications, skill and fitness of any person to serve as an administrator of a nursing home, and the holder of a license shall be deemed fully qualified to serve as the administrator of a nursing home.

Sec. 9. [144.959] Duties of the board. The board shall have the duty and responsibility to:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who are of good character and are otherwise suitable, and who, by training or experience are qualified to serve as nursing home administrators.

(2) Develop and apply appropriate techniques, including examination and investigations, for determining whether individuals meet such standards.

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(3) *Issue licenses to individuals, after application of such techniques, determined to meet such standards, and for cause, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.*

(4) Establish and implement procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(5) Receive, investigate, and take appropriate action with respect to, and including the revocation of a license, if necessary, for cause, on any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.

(6) Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes.

(7) Recognize, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of sections 1 to 15, and make provisions for the conduct of such courses and their accessibility to residents of this state. The board may approve courses conducted within and without this state as sufficient to meet the education and training requirements hereof.

Sec. 10. [144.96] Renewal of license. Every holder of a nursing home administrators license may renew it annually, by making application to the board. Renewals of licenses may be granted pursuant to standards adopted by the board under the provisions of sections 1 to 15.

Sec. 11. [144.961] Reciprocity with other states. The board may issue a nursing home administrator's license; without examination; to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and that the applicant is otherwise qualified.

Sec. 12. [144.962] Misdemeanor. On and after July 1, 1970, it shall be unlawful and constitute a misdemeanor for any per-

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son to act or serve in the capacity as a nursing home administrator unless he is the holder of a license as a nursing home administrator, issued in accordance with the provisions of sections 1 to 15.

Sec. 13. [144.963] Emergency performance. In the event that a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve without a license for no more than 90 days unless an extension is granted by the board.

Sec. 14. [144.964] Any part of this act which is in conflict with any act of congress of the United States or any rule or regulation of any federal agency, so as to deprive nursing homes of this state of federal funds, shall be deemed void, without affecting the remaining provisions of this act.

Sec. 15. Appropriation. There is appropriated to the board of examiners for nursing home administrators from the general revenue fund in the state treasury the sum of \$50,000 or so much thereof as may be necessary to defray the expenses of the board, including salaries, operation, and maintenance expense, for the fiscal years beginning July 1, 1969, and ending June 30, 1971.

Sec. 16. Sections 1 to 14 shall take effect on July 1, 1970.

Approved May 27, 1969.

CHAPTER 771—H. F. No. 1091

[Not Coded]

An act relating to the counties of Big Stone, Traverse, Grant, Pope, Stevens, Lac qui Parle, Chippewa, Yellow Medicine and Swift; authorizing contracts for weather modification.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Weather modification; certain counties. This act applies to the counties of Big Stone, Traverse, Grant, Pope, Stevens, Lac qui Parle, Chippewa, Yellow Medicine and Swift.

Sec. 2. The board of county commissioners of any county named in section 1 may contract with the owner or operator of any

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