

CHAPTER 4655
DEPARTMENT OF HEALTH
NURSING AND BOARDING CARE HOMES;
OPERATION

NOTE Under Minnesota Statutes, section 144.011, the State Board of Health was abolished and all of its duties transferred to the commissioner of health

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4655.9320 FINES FOR UNCORRECTED DEFICIENCIES IN NURSING HOMES.

Subpart 1. **Application.** The provisions of parts 4655.9320 to 4655.9342 establish the schedule of fines to be assessed against nursing homes for the failure to comply with a correction order. Penalty assessments are issued under the provisions of Minnesota Statutes, section 144A.10, subdivision 6 and will accrue on a daily basis. This part supersedes those provisions contained in parts 4655.9200 to 4655.9300 which establish a schedule of fines applicable to nursing homes. The provisions of parts 4655.9200 to 4655.9300 which establish fines applicable to boarding care homes remain unchanged.

Subp. 2. **Statutory authority.** Pursuant to the provisions of Minnesota Statutes, section 144A.10, subdivision 6, the commissioner of health shall impose penalty assessments in the amounts specified in parts 4655.9320 to 4655.9342.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9321 PETS.

Penalty assessments for violations of part 4638.0200 are as follows:

- A. part 4638.0200, subpart 2, first sentence, \$50;
- B. part 4638.0200, subpart 2, second sentence, \$50;
- C. part 4638.0200, subpart 2, third sentence, \$50; and
- D. part 4638.0200, subpart 3, \$100.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9322 GENERAL REQUIREMENTS.

Penalty assessments for violations of parts 4655.0090 to 4655.1060 are as follows:

- A. Part 4655.0100, subpart 8:

(1) A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.0100, subpart 8, item E which states: "...a registered nurse or a licensed practical nurse shall be employed so that on-site nursing coverage is provided eight hours per day, seven days per week during the day shift."

(2) A \$500 penalty assessment shall be issued for a violation of part 4655.0100, subpart 8, item F which states: "Provision shall also be made for a registered nurse to be on call during all hours when a registered nurse is not on duty."

- B. Part 4655.0300, subpart 4, \$50.
- C. Part 4655.0400, subpart 1, \$350.
- D. Part 4655.0400, subpart 2, \$100.
- E. Part 4655.0500, \$100.
- F. Part 4655.0600, \$50.
- G. Part 4655.0700, \$250.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9323 ADMINISTRATOR; ADMISSIONS.

Penalty assessments for violations of parts 4655.1200 to 4655.1800 are as follows:

A. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1200, subpart 2 which states: "The licensee shall develop written bylaws and/or policies which shall be available to all members of the governing body and shall assume full legal responsibility for matters under its control, for the quality of care rendered and for compliance with applicable laws and rules of legally authorized agencies."

B. A \$100 penalty assessment shall be issued for a violation of part 4655.1200, subpart 2, item B which states that the responsibilities of the licensee include: "Appointment of a licensed nursing home administrator or a person in charge who shall be responsible for the operation of the home in accordance with law and established policies."

C. A \$50 penalty assessment shall be issued for a violation of part 4655.1200, subpart 2, item C, which states: "The authority to serve as administrator or person in charge shall be delegated in writing."

D. Part 4655.1200, subpart 2, items E to I, \$100.

E. Part 4655.1300, subparts 1 and 2, \$100.

F. Except as noted in item G, a \$100 penalty assessment shall be issued for a violation of part 4655.1300, subparts 3 and 4.

G. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1300, subpart 4 which states: "The name of the person in charge at the time shall be posted at the main entrance."

H. Part 4655.1400, item A, \$50.

I. Part 4655.1400, item B, \$100.

J. Part 4655.1400, item B, subitems (1) to (3), \$100.

K. Part 4655.1400, item B, subitem (4), \$50.

L. Part 4655.1400, item B, subitem (5), \$100.

M. Part 4655.1400, item B, subitem (6), \$50.

N. Part 4655.1400, item C, \$50.

O. Part 4655.1400, item D, \$50.

P. Part 4655.1400, item E, subitem (1), \$100.

Q. Part 4655.1400, item E, subitems (2) to (4), \$50.

R. Part 4655.1400, item F, \$200.

S. Part 4655.1400, item G, \$100.

T. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1500, subpart 1, which states: "The administrator, in cooperation with the director of nursing service in a nursing home or the person

in charge in a boarding care home shall be responsible for exercising discretion in the type of patients or residents admitted to the home in accordance with the admission policies of the home."

U. A \$250 penalty assessment shall be issued for a violation of that portion of part 4655.1500, subpart 2, which states: "Patients or residents shall not be accepted or retained for whom care cannot be provided in keeping with their known physical, mental, or behavioral condition."

V. Part 4655.1600, \$100.

W. Part 4655.1700, \$50.

X. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1800, subpart 1, which states: "Copies of these licensing regulations shall be made readily available for the use of all personnel of the facility."

Y. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1800, subpart 2, which states: "All personnel shall be instructed in the requirements of the law and the rules pertaining to their respective duties and such instruction shall be documented. All personnel shall be fully informed of the policies of the home and procedure manuals to guide them in the performance of their duties shall be readily available."

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9324 MISCELLANEOUS PROCEDURES.

Penalty assessments for violations of parts 4655.1910 to 4655.2420 are as follows:

A. Except as noted in item B, a \$250 penalty assessment shall be issued for a violation of part 4655.1910, subparts 1 to 3.

B. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1910, subpart 1, which states: "Visiting hours shall be established as a written policy of the home and shall be posted in plain view of visitors."

C. Part 4655.1910, subpart 4, \$100.

D. Part 4655.1910, subpart 5, \$250.

E. Part 4655.1910, subpart 6, \$250.

F. Part 4655.1910, subpart 7, \$500.

G. Part 4655.1910, subpart 8, \$100.

H. Part 4655.2000, subpart 1, \$100.

I. Part 4655.2000, subpart 2, \$100.

J. Part 4655.2100, \$100.

K. Part 4655.2200, \$100.

L. Part 4655.2300, \$100.

M. Part 4655.2410, subpart 2, \$500.

N. Part 4655.2410, subpart 3, \$300.

O. Part 4655.2410, subpart 4, \$350.

P. Part 4655.2420, subpart 2, item A, \$500.

Q. Part 4655.2420, subpart 2, item B, \$350.

R. Part 4655.2420, subpart 2, item C, \$100.

S. Part 4655.2420, subpart 2, item D, \$300.

T. Part 4655.2420, subpart 2, item E, \$350.

U. Part 4655.2420, subpart 2, item F, \$300.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9325 EMPLOYEES.

Penalty assessments for violations of parts 4655.2600 to 4655.3000 are as follows:

- A. part 4655.2600, \$100;
- B. part 4655.2700, \$100;
- C. part 4655.2800, \$50;
- D. part 4655.2900, \$100;
- E. part 4655.3000, subpart 1, \$100;
- F. part 4655.3000, subpart 2, \$100;
- G. part 4655.3000, subpart 3, \$100; and
- H. part 4655.3000, subpart 4, \$50.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9326 RECORDS AND REPORTS.

Penalty assessments for violations of parts 4655.3200 to 4655.4400 are as follows:

A. Except as noted in item B, a \$300 penalty assessment shall be issued for a violation of parts 4655.3200 to 4655.3800 and 4655.4100 to 4655.4200.

B. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3200, subpart 2, which states: "All entries shall be made with a pen and signed by the person making the entry."

C. Except as noted in item D, a \$100 penalty assessment shall be issued for a violation of part 4655.3300.

D. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3300, subpart 2, which states: "At the time of discharge or death, this record shall be completed with the date, time, reason for discharge, discharge diagnosis and condition; or date, time, and cause of death. In either case the signature and address of the responsible person to whom released shall be obtained."

E. Part 4655.3400, \$300.

F. Except as noted in item G, a \$100 penalty assessment shall be issued for a violation of part 4655.3500.

G. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3500, subpart 2, which states: "The records of discharged patients or residents shall be promptly completed and filed in the home."

H. Part 4655.3600, \$100.

I. Parts 4655.3700 to 4655.3800, \$50.

J. Except as noted in items K and L, a \$300 penalty assessment shall be issued for a violation of part 4655.3900.

K. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.3900, subpart 3, which states: "A detailed incident report of any accident, injury, or error in drug administration and the action taken shall be completed immediately."

L. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.3900, subpart 4, which states: "All nurses' notes shall be written and signed by the person giving the medication or making the observation."

M. Part 4655.4100, \$50.

N. Part 4655.4110, subpart 1, \$250.

O. Part 4655.4110, subpart 2, \$50.

P. Parts 4655.4120 to 4655.4160, \$100.

- Q. Part 4655.4170, \$100.
- R. Part 4655.4200, \$50.
- S. Part 4655.4300, \$100.
- T. Part 4655.4400, \$50.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9327 MEDICAL AND DENTAL SERVICES.

Penalty assessments for violations of parts 4655.4600 to 4655.4900 are as follows:

- A. Part 4655.4600, subpart 1, \$300.
- B. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.4600, subpart 2, which states: "Each nursing home or boarding care home shall have an agreement with one or more licensed physicians to provide emergency services and to act in an advisory capacity."
- C. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4600, subpart 3, which states: "A schedule, which lists the names, telephone numbers, and call days of the emergency physician(s) shall be posted in each nurses' or attendants' station."
- D. Part 4655.4700, subpart 1, \$350.
- E. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.4700, subpart 2, which states: "Each nursing home patient shall be examined by a physician at least every six months and each boarding care home resident at least annually or more often if indicated by the clinical condition."
- F. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4700, subpart 3, which states: "A progress note shall be recorded in the patient's or resident's record at the time of each examination."
- G. Part 4655.4700, subpart 4, \$350.
- H. Part 4655.4800, subpart 1, \$350.
- I. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.4800, subpart 2, which states: "Nursing homes and boarding care homes shall have a written agreement with a licensed dentist to provide emergency dental care when necessary."
- J. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4800, subpart 3, which states: "The name and address of the emergency dentist shall be posted at each nurses' or attendants' station."
- K. Part 4655.4800, subpart 4, \$100.
- L. Part 4655.4800, subpart 5, \$350.
- M. Part 4655.4800, subpart 6, \$100.
- N. Part 4655.4900, subpart 2, \$300.
- O. Part 4655.4900, subpart 3, \$300.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9328 STAFFING AND SERVICES.

Penalty assessments for violations of parts 4655.5100 to 4655.6200 are as follows:

- A. A \$300 penalty assessment shall be assessed for a violation of that portion of part 4655.5100, subpart 1, which states: "Adequate staff shall be provided to meet the nursing and personal care needs and the maintenance necessary for the well-being of the patients and residents at all times."
- B. A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.5100, subpart 2, which states: "There shall be at least one

responsible person awake, dressed, and on duty at all times. These persons shall be at least 21 years of age and capable of performing the required duties of evacuating the patients and residents."

C. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.5100, subpart 3, which states: "Each employee and volunteer shall wear a badge which includes name and position."

D. Except as noted in item E, a \$300 penalty assessment shall be issued for a violation of part 4655.5200.

E. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.5200, subparts 6 to 8, which states: "The activities program shall be regularly scheduled at least five days each week with the program posted one week in advance. A sufficient number of personnel shall be assigned to assist with the activities program on a regular basis. Appropriate space, equipment, materials, and storage areas shall be provided. This shall include recreational space and activities out-of-doors."

F. Part 4655.5300, \$250.

G. Part 4655.5400, \$300.

H. Part 4655.5600, subpart 2, first paragraph, \$300.

I. Part 4655.5600, subpart 2, second paragraph, \$300.

J. Part 4655.5700, subpart 2, \$300.

K. Part 4655.5700, subpart 3, \$300.

L. Part 4655.5700, subpart 4, \$100.

M. Part 4655.5700, subpart 5, \$300.

N. Part 4655.5800, subpart 2, item A, \$300.

O. Part 4655.5800, subpart 2, item B, \$300.

P. A \$300 penalty assessment shall be issued for that portion of part 4655.5800, subpart 2, item C, which states that the responsibilities of the director of nursing include: "Planning and conducting written orientation programs for new nursing personnel, and continuing in-service education for all nursing home personnel, if there is no one designated who is responsible for all in-service education."

Q. Part 4655.5800, subpart 2, items D to G, \$100.

R. Part 4655.5800, subpart 2, item H, \$300.

S. Part 4655.5800, subpart 2, items I to M, \$100.

T. A \$500 penalty assessment shall be issued for that portion of part 4655.5800, subpart 3, which states: "No nursing personnel shall perform duties for which they have not had proper and sufficient training. Duties assigned to nursing personnel shall be consistent with their training, experience, and licensure."

U. Part 4655.5900, \$350.

V. Part 4655.6000, \$300.

W. Part 4655.6100, \$350.

X. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.6200, subpart 2, which states: "The nursing home shall provide opportunities for personnel to attend courses in rehabilitation nursing and other educational programs."

Y. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.6200, subpart 3, which states: "Nursing home personnel shall be trained in nursing skills including demonstrations and practice with supervision as needed and prior to assignment to patient care responsibilities."

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9329 CARE OF PATIENTS AND RESIDENTS.

Penalty assessments for violations of parts 4655.6400 to 4655.6800 are as follows:

- A. Part 4655 6400, \$350.
- B. Except as noted in item C, a \$100 penalty assessment shall be issued for a violation of part 4655.6500.
- C. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.6500, subpart 2, which states: "All attached equipment shall be solidly anchored to avoid accidents."
- D. Except as noted in item E, a \$350 penalty assessment shall be issued for a violation of part 4655.6600.
- E. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.6600 which states: "A full record of the use of restraints or seclusion shall be maintained in the patient's or resident's medical record."
- F. Part 4655.6700, \$350.
- G. Part 4655.6800, items A to C, \$350.
- H. Part 4655.6800, item D, \$100.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9330 FURNISHINGS AND EQUIPMENT FOR CARE.

Penalty assessments for violations of parts 4655.7000 to 4655.7500 are as follows:

- A. Part 4655.7000, subpart 1, items A to F, \$150.
- B. Part 4655.7000, subpart 1, item G, \$350.
- C. Part 4655.7000, subpart 1, items H and I, \$150.
- D. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.7000, subpart 1, item J, which states: "All furnishings and equipment shall be maintained in a usable, safe, and sanitary condition."
- E. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.7000, subpart 1, item J, which states: "All rooms and beds shall be numbered. All beds shall be identified with the name of the patient or resident."
- F. Part 4655.7100, \$350.
- G. Part 4655.7200, \$200.
- H. Part 4655.7300, subpart 1, \$150.
- I. Part 4655.7300, subpart 2, \$150.
- J. Part 4655.7300, subpart 3, \$150.
- K. Part 4655.7300, subpart 4, \$150.
- L. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.7400, subpart 1, which states: "Cabinets and other suitable space shall be provided and identified for the safe storage of equipment and supplies in a sanitary, convenient, and orderly manner. Supplies shall be identified."
- M. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.7400, subpart 2, which states: "Sterile supplies shall be marked with the latest date of sterilization and shall be stored apart from unsterile supplies."
- N. Part 4655.7500, items A and B, \$200.
- O. Part 4655.7500, item C, \$200.
- P. Part 4655.7500, item D, \$200.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9331 MEDICATIONS.

Penalty assessments for violations of parts 4655.7600 to 4655.7860 are as follows:

A. A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.7700, subpart 1, which states: "A system shall be developed in each nursing home to assure that all medications are administered safely and properly."

B. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.7700, subpart 2, which states: "The supervising nurse or other nursing staff trained specifically by the supervising nurse or a physician in the administration of medications and familiar with the expected action of drugs, shall be designated and held responsible for the administration of medications during each eight-hour period."

C. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.7700, subpart 3, which states: "A list of carefully selected personnel, currently employed, who have been so trained, none under 18 years of age, shall be maintained. The written training program shall be available at each nursing station."

D. A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.7700, subpart 4, which states: "Medications administered by hypodermic may be given only by a physician, registered nurse, or licensed practical nurse."

E. A \$350 penalty assessment shall be issued for a violation of those portions of part 4655.7700, subparts 6 and 7, which state: "The actual act of swallowing oral medications shall be observed personally by the individual responsible for administering medications. When medications have been added to food, the amount of food consumed shall be recorded by the person designated to administer medications."

F. A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.7700, subpart 8, which states: "All medications shall be administered exactly as ordered by the physician. Any medication errors or patient reactions shall be reported to the physician at once and an explanation made in the patient's care record."

G. Part 4655.7710, \$350.

H. Part 4655.7720, subparts 1 to 5, \$300.

I. Part 4655.7720, subpart 6, \$300.

J. Part 4655.7720, subpart 7, \$300.

K. Part 4655.7720, subpart 8, \$300.

L. Parts 4655.7730 to 4655.7740, \$300.

M. Part 4655.7750, \$300.

N. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.7760, subpart 1, which states: "All medications administered to each patient shall be recorded on the medication and treatment record or in the nurses' notes on the patient's chart. This information shall include the name and quantity of the drug given and the time administered and shall be initialed by the person giving the drug. Special notations shall be made whenever medications are started or discontinued. Medicine cards or a medicine list shall be maintained to show each medication which is currently being given."

O. A \$300 penalty assessment shall be issued for a violation of those portions of part 4655.7760 not identified in item N.

P. Part 4655.7770, \$350.

Q. Part 4655.7780, \$300.

R. Part 4655.7790, subpart 1, \$100.

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S. Part 4655.7790, subpart 2, \$100.

T. Except as noted in item U, a \$300 penalty assessment shall be issued for a violation of part 4655.7860.

U. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.7860 which states: "The nursing home or boarding care home shall keep written documentation verifying completion of the required course by all unlicensed [nursing] personnel administering medications."

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9332 LINEN SERVICE AND LAUNDRY.

Penalty assessments for violations of parts 4655.8000 to 4655.8300 are as follows:

- A. part 4655.8000, subpart 2, \$200;
- B. part 4655.8000, subpart 3, \$200;
- C. part 4655 8000, subpart 4, \$200;
- D. part 4655.8000, subpart 5, \$300;
- E. part 4655 8000, subpart 6, \$300;
- F. part 4655.8000, subpart 7, \$100;
- G. part 4655.8000, subpart 8, \$50; and
- H. part 4655.8100, \$300.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9333 DIETARY SERVICES AND SANITATION.

Penalty assessments for violations of parts 4655.8500 to 4655.8830 are as follows:

A. Except as noted in item B, a \$350 penalty assessment shall be issued for a violation of part 4655.8500.

B. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.8500, subpart 3, which states: "There shall be current diet manuals readily available in the kitchen"

C. Part 4655.8510, \$300.

D. Except as noted in items E to G, a \$350 penalty assessment shall be issued for a violation of part 4655.8520.

E. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.8520, item A, which states: "The dietary staff shall be adequate in number to provide personnel on duty 12 or more hours per day. They shall be trained in the performance of their assigned duties."

F. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.8520, item A, which states: "Work assignments and duty schedules shall be posted in the dietary department."

G. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.8520, item F, which states: "The kitchen shall not be used for eating meals or for coffee breaks"

H. Part 4655.8600, \$350.

I. Part 4655.8610, \$350.

J. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.8620, subpart 1, which states: "At least three meals shall be served at regular times during each 24-hour period with a maximum of 14 hours between a substantial evening meal and breakfast."

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K. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.8620, subpart 2, which states: "Meals shall be served in the dining room and bedroom trays kept to a minimum. Patients or residents shall be encouraged to eat together."

L. Part 4655.8630, subpart 1, \$350.

M. Except as noted in item N, a \$300 penalty assessment shall be issued for a violation of part 4655.8630, subpart 2.

N. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.8630, subpart 2, which requires that menus be dated and posted for a minimum of one week in advance.

O. Part 4655.8630, subpart 3, \$300.

P. Parts 4655.8640 to 4655.8680, \$350.

Q. Part 4655.8690, \$300.

R. Part 4655.8700, \$300.

S. Except as noted in item T, a \$300 penalty assessment shall be issued for a violation of parts 4655.8800 to 4655.8830.

T. Part 4655.8820, subpart 3, item C, \$50.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9334 HOUSEKEEPING.

Penalty assessments for violations of parts 4655.9000 to 4655.9070 are as follows:

A. Part 4655.9000, subpart 1, \$200.

B. Part 4655.9000, subpart 2, \$100.

C. Part 4655.9010, subpart 1, \$200.

D. Part 4655.9010, subpart 2, \$200.

E. Except as noted in item F, a \$150 penalty assessment shall be issued for a violation of part 4655.9020.

F. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.9020, subpart 4 which states: "Disinfectants, pesticides, and other toxic substances shall be clearly identified and stored in a locked enclosure or cabinet."

G. Part 4655.9030, \$150.

H. Part 4655.9040, \$200.

I. Part 4655.9050, \$50.

J. Part 4655.9060, \$200.

K. Part 4655.9070, subpart 2, \$350.

L. Part 4655.9070, subpart 3, \$200.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9335 PHYSICAL PLANT.

Penalty assessments for violations of parts 4660.0090 to 4660.1100 are as follows:

A. part 4660.0200, second paragraph, \$100;

B. part 4660.0300, subpart 5, \$200; and

C. parts 4660.0400 to 4660.1100, \$100.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9336 PATIENT OR RESIDENT AREAS.

Subpart 1. **Generally.** Penalty assessments for violations of parts 4660.1300 to 4660.4700 are as follows:

- A. part 4660.1400, \$150;
- B. part 4660.1410, \$200;
- C. part 4660.1420, \$150;
- D. part 4660.1430, \$150;
- E. part 4660.1440, subpart 1, \$200;
- F. part 4660.1440, subpart 2, \$150;
- G. part 4660.1450, \$150;
- H. part 4660.1460, subpart 1, item A, \$100;
- I. part 4660.1460, subpart 1, item B, \$500;
- J. part 4660.1460, subpart 2, \$200;
- K. part 4660.1470, subpart 1, first paragraph, \$150;
- L. part 4660.1500, subpart 1, \$200;
- M. part 4660.1500, subpart 2, \$200;
- N. part 4660.1600, subpart 1, \$150;
- O. part 4660.1600, subpart 2, \$200;
- P. part 4660.1700, \$300;
- Q. part 4660.1800, \$200;
- R. part 4660.1900, \$200;
- S. part 4660.2100, \$150;
- T. part 4660.2200, \$200;
- U. part 4660.2300, \$150;
- V. part 4660.2400, \$150;
- W. part 4660.2500, \$150;
- X. part 4660.2600, items A to D, \$150;
- Y. part 4660.2600, items E and F, \$200;
- Z. part 4660.2600, items G to J, \$150;
- AA. part 4660.2610, item A, \$150;
- BB. part 4660.2610, items B to E, \$150;
- CC. part 4660.2610, items F to H, \$200;
- DD. part 4660.2610, items I to L, \$150;
- EE. part 4660.2620, subpart 3, \$150;
- FF. part 4660.2630, subpart 3, \$150;
- GG. part 4660.2640, \$150;
- HH. part 4660.2700, \$150;
- II. part 4660.2800, \$150;
- JJ. part 4660.2900, \$150;
- KK. part 4660.3000, \$50; and
- LL. part 4660.3100, \$50.

Subp. 2. **Shower curtain.** A \$150 penalty assessment shall be issued for a violation of that portion of part 4660.2620, subpart 1, which states: "In a room used by more than one patient, the bathtub or shower area shall be provided with a draw curtain for privacy."

Subp. 3. **Nonslip floor.** A \$200 penalty assessment shall be issued for a violation of that portion of part 4660.2620, subpart 2, which states: "Bathtubs and showers shall be provided with a nonslip bottom or floor surface, and the areas shall be provided with grab bars."

Subp. 4. **Central bathing area.** Except as noted in subpart 5, a \$150 penalty assessment shall be issued for a violation of part 4660.2630, subpart 2.

Subp. 5. **Floors and grab bars.** A \$200 penalty assessment shall be issued for a violation of part 4660.2630, subpart 2, item B, which states: "Bathtubs and showers shall be provided with a nonslip bottom or floor surface, and at least one grab bar, securely anchored, shall be provided at each fixture."

Subp. 6. **Showers.** Except as noted in subpart 7, a \$150 penalty assessment shall be issued for a violation of part 4660.2630, subpart 3, items D to G.

Subp. 7. **Shower grab bar.** A \$200 penalty assessment shall be issued for a violation of part 4660.2630, subpart 3, item G, which states: "A vertical, nonslip grab bar, 24 inches long, shall be provided at the shower and at the shower entrance location. The low end of the grab bar shall be three feet above the floor. Horizontal grab bars inside wet areas shall be mounted at a height of four feet, six inches above the floor."

Subp. 8. **Tubs.** Except as noted in subpart 9, a \$150 penalty assessment shall be issued for a violation of part 4660.2630, subpart 3, items I to L.

Subp. 9. **Tub grab bar.** A \$200 penalty assessment shall be issued for a violation of part 4660.2630, subpart 3, item L, which states: "A vertical, nonslip grab bar, 24 inches long, shall be provided on each side of the tub at the head end. The low end of the grab bar shall be three feet six inches above the floor or four inches above the rim of the tub."

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

NOTE Part 4660.2630 subpart 3 item L actually reads in part "The low end of the grab bar shall be three feet above the floor or four inches above the rim of the tub"

4655.9337 SUPPORTIVE SERVICES; DIETARY AREAS.

Penalty assessments for violations of parts 4660.4810 to 4660.5810 are as follows:

- A. parts 4660.4810 to 4660.4840, \$150;
- B. parts 4660.4900 to 4660.4940, \$200;
- C. parts 4660.5000 to 4660.5040, \$200;
- D. part 4660.5050, \$100;
- E. part 4660.5100, \$150;
- F. part 4660.5200, \$150;
- G. part 4660.5300, \$150;
- H. part 4660.5400, \$150;
- I. part 4660.5500, \$150;
- J. part 4660.5600, \$150;
- K. part 4660.5800, \$150; and
- L. part 4660.5810, \$150.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9338 CONSTRUCTION DETAILS, CHUTES AND ELEVATORS.

Penalty assessments for violations of parts 4660.6000 to 4660.7600 are as follows:

- A. part 4660.6000, \$200;
- B. part 4660.6100, \$200;
- C. part 4660.6200, subparts 1 and 2, \$200;
- D. part 4660.6200, subpart 3, \$150;
- E. part 4660.6300, \$200;
- F. part 4660.6400, \$150;
- G. part 4660.6500, \$200;

- H. part 4660.6600, \$200;
- I. part 4660.6700, \$200;
- J. part 4660.6800, \$150;
- K. part 4660.6900, subpart 1, \$200;
- L. part 4660.6900, subparts 2 and 3, \$200;
- M. part 4660.6910, \$200;
- N. part 4660.6920, \$200;
- O. part 4660.7000, \$200;
- P. part 4660.7100, \$150;
- Q. part 4660.7200, \$200;
- R. part 4660.7300, \$200;
- S. part 4660.7400, \$200;
- T. part 4660.7500, \$200; and
- U. part 4660.7600, \$200.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9339 MECHANICAL AND ELECTRICAL SYSTEMS.

Penalty assessments for violations of parts 4660.7800 to 4660.8610 and 4660.9900 to 4660.9940 are as follows:

- A. part 4660.7800, subparts 1 and 2, \$200;
- B. part 4660.7800, subparts 3 to 5, \$200;
- C. part 4660.7800, subparts 6 to 9, \$200;
- D. part 4660.7800, subparts 10 to 13, \$200;
- E. part 4660.7800, subpart 14, \$200;
- F. part 4660.7800, subpart 15, \$200;
- G. part 4660.7900, \$200;
- H. part 4660.8000, subparts 1 to 6, \$200;
- I. part 4660.8000, subparts 7 and 8, \$200;
- J. parts 4660.8000, subparts 9 to 11 and 4660.8010, \$200;
- K. part 4660.8200, \$200;
- L. parts 4660.8300 to 4660.8380, 4660.9930, and 4660.9940, \$200;
- M. part 4660.8410, \$200;
- N. part 4660.8420, subpart 1, \$50;
- O. part 4660.8420, subpart 2, \$200;
- P. parts 4660.8430 to 4660.8450, \$200;
- Q. part 4660.8460, \$200;
- R. parts 4660.8500 to 4660.8530, \$200;
- S. parts 4660.8540 to 4660.8560, \$350; and
- T. part 4660.8610, \$200.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9340 DEPARTMENT OF HEALTH STATUTES; FINES.

Penalty assessments for violations of Minnesota Statutes, section 144.651 are as follows:

- A. Minnesota Statutes, section 144.651, subdivision 4, \$100.
- B. Minnesota Statutes, section 144.651, subdivision 5, \$250.
- C. Minnesota Statutes, section 144.651, subdivision 6, \$250.
- D. Minnesota Statutes, section 144.651, subdivision 7, \$100
- E. Minnesota Statutes, section 144.651, subdivision 8, \$100.

- F. Minnesota Statutes, section 144.651, subdivision 9, \$250.
- G. Minnesota Statutes, section 144.651, subdivision 10, \$250.
- H. Minnesota Statutes, section 144.651, subdivision 11, \$100.
- I. Minnesota Statutes, section 144.651, subdivision 12, \$250.
- J. Minnesota Statutes, section 144.651, subdivision 13, \$500.
- K. Minnesota Statutes, section 144.651, subdivision 14, \$500.
- L. Minnesota Statutes, section 144.651, subdivision 15, \$250.

M. Except as noted in item N, a \$100 penalty assessment shall be issued for a violation of Minnesota Statutes, section 144.651, subdivision 16.

N. A \$250 penalty assessment shall be issued for a violation of that portion of Minnesota Statutes, section 144.651, subdivision 16, which states: "Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility."

- O. Minnesota Statutes, section 144.651, subdivision 17, \$100.
- P. Minnesota Statutes, section 144.651, subdivision 18, \$100.
- Q. Minnesota Statutes, section 144.651, subdivision 19, \$250.
- R. Minnesota Statutes, section 144.651, subdivision 20, \$100.

S. A \$250 penalty assessment shall be issued for a violation of the portions of Minnesota Statutes, section 144.651, subdivision 21, which state: "Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose.... Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record."

T. A \$100 penalty assessment shall be issued for a violation of the portions of Minnesota Statutes, section 144.651, subdivision 21, which state: "Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage.... There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls."

- U. Minnesota Statutes, section 144.651, subdivision 22, \$100.
- V. Minnesota Statutes, section 144.651, subdivision 23, \$250.
- W. Minnesota Statutes, section 144.651, subdivision 24, \$100.
- X. Minnesota Statutes, section 144.651, subdivision 25, \$250.
- Y. Minnesota Statutes, section 144.651, subdivision 26, \$250.
- Z. Minnesota Statutes, section 144.651, subdivision 27, \$100.
- AA. Minnesota Statutes, section 144.651, subdivision 28, \$250.
- BB. Minnesota Statutes, section 144.651, subdivision 29, \$250.
- CC. Minnesota Statutes, section 144.652, subdivision 1, \$100.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9341 NURSING HOME STATUTES; FINES.

Penalty assessments for violations of Minnesota Statutes, chapter 144A are as follows:

- A. Minnesota Statutes, section 144A.04, subdivision 4, \$100.
- B. Minnesota Statutes, section 144A.04, subdivision 6, \$100.

C. A \$100 penalty assessment shall be issued for a violation of these portions of Minnesota Statutes, section 144A.10, subdivision 3, which state: "A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the commissioner of health or the commissioner of public welfare under sections 144A.03 or 144A.05 shall be kept on file at the

4655.9341 NURSING AND BOARDING CARE HOMES; OPERATION 88

nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home.... All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. Confidential information protected by section 13.05 or section 13.46, shall not be made available or posted as provided in this subdivision unless it may be made available or posted in a manner authorized by chapter 13."

D. Minnesota Statutes, section 144A.13, subdivision 1, \$100.

E. Except as noted in item G, a \$100 penalty assessment shall be issued for a violation of Minnesota Statutes, section 144A.13, subdivision 2.

F. A \$250 penalty assessment shall be issued for a violation of that portion of Minnesota Statutes, section 144A.13, subdivision 2, which states: "No controlling person or employee of a nursing home shall retaliate in any way against a complaining nursing home resident and no nursing home resident may be denied any right available to him under chapter 566."

G. Minnesota Statutes, section 144A.16, \$100.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*

4655.9342 REPORTING MALTREATMENT OF VULNERABLE ADULTS; FINES.

Penalty assessments for violations of Minnesota Statutes, section 626.557 are as follows:

- A. Minnesota Statutes, section 626.557, subdivision 3, \$250;
- B. Minnesota Statutes, section 626.557, subdivision 3a, \$100;
- C. Minnesota Statutes, section 626.557, subdivision 4, \$100;
- D. Minnesota Statutes, section 626.557, subdivision 9, \$250;
- E. Minnesota Statutes, section 626.557, subdivision 14, \$100;
- F. Minnesota Statutes, section 626.557, subdivision 15, \$100; and
- G. Minnesota Statutes, section 626.557, subdivision 17, \$250.

Statutory Authority: *MS s 144A.10 subd 6*

History: *8 SR 1524*