

1 Department of Health
2 Health Systems Division
3

4 Adopted Rules Relating to the Keeping of Pet Animals in Health
5 Care Facilities; Implementing the Provisions of the Vulnerable
6 Adult Abuse Reporting Act in Facilities Licensed or Certified by
7 the Department of Health; the Operation and Licensing of Nursing
8 Homes and Boarding Care Homes; the Dual Option Provisions of the
9 Health Maintenance Organization Rules; and the Issuance of Fines
10 to Supervised Living Facilities

11 Rules as Adopted

12 7 MCAR S 1.042 Pet animals in health care facilities.

13 A. Definition. As used in 7 MCAR S 1.042, "health care
14 facility" means a hospital, nursing home, boarding care home, or
15 supervised living facility licensed by the Minnesota Department
16 of Health under Minnesota Statutes, sections 144.50 to 144.56 or
17 Minnesota Statutes, sections 144A.01 to 144A.17.

18 B. Written policy.

19 1. Every health care facility shall establish a written
20 policy specifying whether or not pet animals ~~can-be-kept~~ will be
21 allowed on the facility's premises.

22 2. If pet animals are allowed ~~to-be-kept~~ on the premises,
23 the policy must:

24 a. specify whether or not individual patients or
25 residents will be permitted to keep pets; -and

26 b. ~~specify the restrictions established by the health~~
27 ~~care facility regarding the keeping of pet animals.~~

28 3. This policy must be developed only after consultation
29 with facility staff and with patients or residents, as
30 appropriate.

31 C. Conditions. If pet animals other than fish are allowed
32 ~~to-be-kept-within-the-facility~~ on the premises, the following
33 requirements must be met:

34 1. A Written ~~policy~~ policies and procedures must be
35 developed and implemented which ~~specifies~~ specify the types-of
36 conditions for allowing pet animals ~~that-are-allowed-to-be-kept~~

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1 ~~within the health care facility~~ on the premises.

2 2. ~~The policy required by 1, shall be developed in~~
3 ~~consultation with a veterinarian and a physician to assure that~~
4 ~~pets which, in their opinion, present a higher risk of~~
5 ~~transmitting diseases to human beings are not allowed to be kept~~
6 ~~within the facility.~~ policies and procedures must:

7 a. describe the types of pet animals allowed on the
8 facility's premises. This policy must be developed in
9 consultation with a veterinarian and a physician.

10 b. describe the procedures for maintaining and
11 monitoring the health and behavior of animals kept on the
12 facility's premises. These procedures must be in accordance
13 with a veterinarian's recommendations. A copy of these
14 recommendations must be maintained in the facility; and

15 c. identify those areas in the facility, in addition
16 to those areas described in 6., where pet animals shall not be
17 permitted.

18 3. ~~All pet animals must be in good health~~ Regardless of
19 the ownership of any pet, the health care facility shall assume
20 overall responsibility for any pets within or on the premises of
21 the facility.

22 4. The health care facility shall ensure that ~~pets are~~
23 ~~examined and receive any necessary immunizations or treatments~~
24 ~~in accordance with a veterinarian's recommendations~~ no pet
25 jeopardizes the health, safety, comfort, treatment, or
26 well-being of the patients, residents, or staff.

27 5. ~~A copy of the veterinarian's recommendations as well~~
28 ~~as records of all examinations, treatments, and immunizations~~
29 ~~shall be retained in the health care facility~~ A facility
30 employee shall be designated, in writing, as being responsible
31 for monitoring or providing the care to all pet animals and for
32 ensuring the cleanliness and maintenance of facilities used to
33 house pets. This rule does not preclude residents, patients, or
34 other individuals from providing care to pet animals.

35 6. ~~Regardless of the ownership of any pet, the health~~
36 ~~care facility shall assume overall responsibility for any pets~~

1 kept within or on the premises of the facility Except for guide
2 dogs accompanying a blind or deaf individual and except in
3 supervised living facilities with a licensed bed capacity of 15
4 beds or less, pet animals shall not be permitted in kitchen
5 areas, in medication storage and administration areas or in
6 clean or sterile supply storage areas.

7 7- The health care facility shall ensure that no pet
8 creates a nuisance or otherwise jeopardizes the health, safety,
9 comfort, treatment, or well-being of the patients, residents, or
10 staff.

11 8- A facility employee shall be designated as being
12 responsible for the care of all pet animals and for ensuring the
13 cleanliness and maintenance of cages, tanks, and other areas
14 used to house pets.

15 9- Except for guide dogs accompanying a blind or deaf
16 individual, pets shall not be permitted in areas where food is
17 prepared, served, or stored, in dishwashing areas, dish storage
18 areas, in medication storage areas, in clean or sterile supply
19 storage areas, in nurses' stations, or in any other areas where
20 cleanliness and sanitary precautions are necessary to protect
21 the health, comfort, safety, and well-being of patients or
22 residents.

23 7 MCAR S 1-043 Preventing abuse and neglect of vulnerable adults
24 in facilities licensed or certified by the Department of Health.

25 A. Definition: As used in 7 MCAR S 1-043, "facility" has
26 the meaning given it in Minnesota Statutes, section 626-557,
27 subdivision 2, clause (a).

28 B. General requirement: A facility shall comply with
29 Minnesota Statutes, section 626-557.

30 C. Facility abuse prevention plan:

31 1- Every facility which admits vulnerable adults on an
32 inpatient basis shall develop and implement a written plan to
33 prevent abuse in the facility. The plan must be designed to
34 identify and remedy conditions in the population, environment,
35 and physical plant that make patients or residents susceptible
36 to abuse.

- 1 2- The plan must meet the following requirements:
- 2 a- It must be developed by an interdisciplinary
- 3 committee selected by the administrator of the facility.
- 4 b- It must be based on a written assessment of the
- 5 population, environment, and physical plant. The assessment
- 6 must address areas such as the following: the inability of
- 7 patients or residents to act for themselves because of physical,
- 8 mental, or emotional impairments; the possibility that patients
- 9 or residents will injure themselves or others because of their
- 10 physical, mental, or emotional conditions; admission policies
- 11 and continued stay policies; visitation policies and visitor
- 12 restrictions; the qualifications and training of staff to meet
- 13 identified patient and resident needs; the adequacy of programs
- 14 or services provided in the facility; the orientation and
- 15 ongoing educational programs offered to employees, patients and
- 16 residents room assignments; the physical conditions of the
- 17 facility such as lighting levels, furniture placement and decor,
- 18 and the location and surrounding environs of the facility.
- 19 c- It must include a written plan to correct or
- 20 alleviate the conditions identified by the assessment that make
- 21 patients and residents susceptible to abuse.
- 22 d- Its plan to correct the identified conditions must
- 23 specify the action to be taken and set a schedule for completing
- 24 the corrections.
- 25 e- It must be reviewed at least annually by an
- 26 interdisciplinary committee and revised if necessary. The date
- 27 of each review must be recorded on the plan.
- 28 D- Individual abuse prevention plan:
- 29 1- Every facility which admits vulnerable adults on an
- 30 inpatient basis shall set written policies and procedures
- 31 governing the development of written individual abuse prevention
- 32 plans in accordance with Minnesota Statutes, section 626.557,
- 33 subdivision 14, clause (b).
- 34 2- The policies and procedures must meet the following
- 35 requirements:
- 36 a- They must establish the mechanism for developing

1 the individual abuse prevention plans.

2 b. They must require that an interdisciplinary team
3 conduct for each patient or resident an initial individual
4 assessment that addresses the individual's susceptibility to
5 abuse and the measures to be taken to minimize the risk of abuse
6 to that resident.

7 c. They must require that the plan is developed as
8 part of the initial plan of care for the patient or resident.

9 d. They must require at least an annual review of the
10 plan as long as the patient or resident stays in the facility.

11 e. They must require that the individual's plan be
12 revised whenever necessary.

13 3. The development, review, and revision of the
14 individual abuse plans may be part of a patient's and resident's
15 care plan.

16 E. Internal reporting system.

17 1. The facility shall set up a mechanism to ensure that
18 all suspected cases of abuse or neglect are reported to an
19 individual mandated to report under Minnesota Statutes, section
20 626.557 and are promptly investigated by facility staff.

21 2. The facility shall designate the person responsible
22 for reviewing and investigating all suspected cases of abuse or
23 neglect. However, if the person responsible for the review and
24 investigation is suspected of committing abuse or neglect, the
25 facility shall authorize another to conduct the review and
26 investigation.

27 3. The facility shall designate the person responsible
28 for reporting all cases of abuse or neglect to the appropriate
29 authority in accordance with Minnesota Statutes, section 626.557.

30 4. The facility shall keep written records of reviews and
31 investigations of suspected cases of abuse or neglect. These
32 records must include a summary of the findings, persons
33 involved, persons interviewed or notified, conclusions, and
34 actions taken. A copy of the completed record shall be
35 forwarded to the Office of Health Facility Complaints of the
36 Department of Health.

1 5. When a patient or resident is admitted, the facility
2 shall explain its internal reporting mechanism to the individual
3 or to the people legally responsible for the patient or
4 resident. It shall also inform these people that anyone may
5 report suspected cases of abuse and neglect directly to outside
6 agencies.

7 F. Notification. The facility shall inform its staff of the
8 mandatory reporting requirements and of the responsibilities
9 imposed on the facility staff by Minnesota Statutes, section
10 626.557. It shall also inform its staff that anyone may report
11 suspected cases of abuse or neglect directly to the appropriate
12 outside agencies. An explanation of the facility's abuse
13 prevention plan, individual abuse prevention plans, and internal
14 reporting mechanism must be part of the facility's orientation
15 and inservice training programs.

16 7 MCAR S 1.044 Definitions, general provisions, issuance of
17 licenses.

18 (APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

19 For the purpose of these regulations: A state license is
20 required for any facility where nursing, personal or custodial
21 care is provided for five or more aged or infirm persons who are
22 not acutely ill.

23 A.-S. [Unchanged.]

24 T. Procedure for licensing of boarding care homes.

25 Application for a license to establish or maintain a boarding
26 care home shall be made in writing and submitted on forms
27 provided by the department. If the applicant is a corporation,
28 the officers shall furnish the department a copy of the articles
29 of incorporation and bylaws and any amendments thereto as they
30 occur. In addition, out-of-state corporations shall furnish the
31 department with a copy of the certificate of authority to do
32 business in Minnesota. No license shall be issued until all
33 final inspections and clearances pertinent to applicable laws
34 and regulations have been complied with.

35 U.-X. [Unchanged.]

36 Y. Procedures for licensing nursing homes.

1 1. Initial licensure. For the purpose of Y., initial
 2 licensure applies to newly constructed facilities designed to
 3 operate as nursing homes and to other facilities not already
 4 licensed as nursing homes. Applicants for initial licensure
 5 shall complete the license application form supplied by the
 6 department. Applications for initial licensure must be
 7 submitted at least 90 days before the requested date for
 8 licensure and must be accompanied by a license fee based upon
 9 the formula established in 7 MCAR S 1.701, Exhibit I.

10 To be issued a license, the applicant must file with the
 11 department a copy of the architectural and engineering plans and
 12 specifications of the facility as prepared and certified by an
 13 architect or engineer registered to practice in Minnesota.

14 If the applicant for licensure is a corporation, it shall
 15 submit with the application a copy of its articles of
 16 incorporation and bylaws. A foreign corporation shall also
 17 submit a copy of its certificate of authority to do business in
 18 Minnesota. Applicants must submit these documents in order to
 19 be issued licenses. The department shall issue the initial
 20 license as of the date the department determines that the
 21 nursing home is in compliance with Minnesota Statutes, sections
 22 144A.02 to 144A.16 and 7 MCAR SS 1.044-1.072, unless the
 23 applicant requests a later date.

24 2. Renewed licenses. An applicant for license renewal
 25 shall complete the license application form supplied by the
 26 department. Applications must be submitted at least 60 days
 27 before the expiration of the current license and must be
 28 accompanied by a license fee based upon the formula established
 29 in 7 MCAR S 1.701, Exhibit I. The department shall issue a
 30 renewed license if a nursing home continues to satisfy the
 31 requirements, standards, and conditions prescribed by Minnesota
 32 Statutes, sections 144A.01 to 144A.16 and 7 MCAR SS 1.044-1.072.

33 If the licensee is a corporation, it shall submit any
 34 amendments to its articles of incorporation or bylaws along with
 35 the renewal application.

36 If the application specifies a different licensed capacity

1 from that provided on the current license, the licensee shall
2 follow the procedures relating to license amendments specified
3 in 6. If the changes are not approved before the current
4 license expires, the renewed license will be issued without
5 reflecting the requested changes.

6 3. Transfer of interests; notice. A controlling person,
7 as defined in Minnesota Statutes, section 144A.01, subdivision
8 4, who transfers ~~an~~ a beneficial interest in the nursing home
9 shall notify the department, in writing, at least 14 days before
10 the date of the transfer. The written notice must contain the
11 name and address of the transferor, the name and address of the
12 transferee, the nature and amount of the transferred interests,
13 and the date of the transfer.

14 4. Transfer of interest; expiration of license. A
15 transfer of a beneficial interest will result in the expiration
16 of the nursing home's license under the following conditions:

17 a. if the transferred beneficial interest exceeds ten
18 percent of the total beneficial interest in the licensee, in the
19 structure in which the nursing home is located, or in the land
20 upon which the nursing home is located, and if, as the result of
21 the transfer, the transferee then possesses ~~an~~ a beneficial
22 interest in excess of 50 percent of the total beneficial
23 interest in the licensee, in the structure in which the nursing
24 home is located, or in the land upon which the nursing home is
25 located; or

26 b. if the transferred beneficial interest exceeds 50
27 percent of the total beneficial interest in the licensee, the
28 structure in which the nursing home is located, or in the land
29 upon which the nursing home is located.

30 Under either of these conditions, the nursing home license
31 expires at the time of relicensure or 90 days after the date of
32 the transfer or 90 days after the date when notice of transfer
33 is received, whichever date is later. If the current license
34 expires before the end of the 90-day period, the licensee shall
35 apply for a renewed license in accordance with section 2. The
36 department shall notify the licensee by certified mail at least

1 60 days before the license expires.

2 5. Transfer of interest; relicensure. A controlling
3 person may apply for relicensure by submitting the license
4 application form at least 45 days before the license expiration
5 date. Application for relicensure must be accompanied by a
6 license fee based upon the formula established in 7 MCAR S
7 1.701, Exhibit I. If the applicant for relicensure is a
8 corporation, it shall submit a copy of its current articles of
9 incorporation and bylaws with the license application. A
10 foreign corporation shall also submit a copy of its certificate
11 of authority to do business in Minnesota. The department shall
12 relicense the nursing home as of the date the commissioner
13 determines that the prospective licensee complies with Minnesota
14 Statutes, sections 144A.02 to 144A.16 and ~~1-12-~~ 7 MCAR SS
15 1.044-1.072, unless the applicant requests a later time. The
16 ~~-----~~
17 former licensee remains responsible for the operation of the
18 nursing home until the nursing home is relicensed.

18 6. Amendment to the license. If the nursing home
19 requests changes in its licensed capacity or in the level of
20 care provided its license classification, it shall submit the
21 ~~-----~~
22 request on the application for amendments to the license. This
23 application must be submitted at least 30 days before the
24 requested date of change and if an increase in the number of
25 licensed beds is requested, accompanied by a fee based upon the
26 formula established in 7 MCAR S 1.701, Exhibit I. The
27 ~~-----~~
28 department shall amend the license as of the date the department
29 ~~-----~~
30 determines that the nursing home is in compliance with Minnesota
31 ~~-----~~
32 Statutes, sections 144A.01 to 144A.16 and 7 MCAR SS 1.044-1.072,
33 ~~-----~~
34 unless a later date is requested by the licensee. The amendment
35 ~~-----~~
36 to a license is effective for the remainder of the nursing
37 home's licensure year.

38 7. Issuing conditions or limitations on the license. The
39 department may shall attach to the license any conditions or
40 ~~-----~~
41 limitations it considers when necessary to assure compliance
42 ~~-----~~
43 with the laws and rules governing the operation of the nursing
44 home or to protect the health, treatment, safety, comfort, and

1 well-being of the nursing home's residents. A condition or
2 limitation may be attached when a license is first issued, when
3 it is renewed, or during the course of the licensure year.

4 8. Reasons for conditions or limitations. In deciding to
5 condition or limit a license the department shall consider at
6 least the following:

7 a. the nature and number of correction orders or
8 penalty assessments issued to the nursing home or to other
9 nursing homes having some or all of the same controlling persons;

10 b. the ~~emission of illegal acts by any of the~~
11 ~~controlling persons or employees of the nursing home permitting,~~
12 ~~aiding, or abetting of the commission of any illegal act in the~~
13 ~~nursing home by any of the controlling persons or employees of~~
14 ~~the nursing home;~~

15 c. the performance of any acts contrary to the welfare
16 of the residents in a nursing home by a controlling person or
17 employee;

18 d. the condition of the physical plant or physical
19 environment; or

20 e. the existence of any outstanding variances or
21 waivers; or

22 f. the number or types of residents the nursing home
23 is able to provide for.

24 9. Types of conditions or limitations. The types of
25 ~~conditions or limitations that may be attached to the license~~
26 ~~include at least the following~~ department shall impose one or
27 more of the following conditions or limitations:

28 a. restrictions on the number or types of residents to
29 be admitted or permitted to remain in the nursing home;

30 b. restrictions on the inclusion of specified
31 individuals as controlling persons or managerial employees; or

32 c. imposition of schedules for the completion of
33 specified activities.

34 10. Statement of conditions or limitations. The
35 department shall notify the applicant or licensee, in writing,
36 of its decision to issue a conditional or limited license. The

1 department shall inform the applicant or licensee of the reasons
2 for the condition or limitation and of the right to appeal.
3 Unless otherwise specified, any condition or limitation remains
4 valid as long as the licensee of the nursing home remains
5 unchanged or as long as the reason for the condition or
6 limitation exists. The licensee shall notify the department
7 when the reasons for the condition or limitation no longer
8 exists. If the department determines that the condition or
9 limitation is no longer required, it shall be removed from the
10 license.

11 The existence of a condition or limitation must be noted on
12 the face of the license. If the condition or limitation is not
13 fully stated on the license, the department's licensure letter
14 containing the full text of the condition or limitation must be
15 posted alongside the license in an accessible and visible
16 location.

17 11. Effect of a condition or limitation. A condition or
18 limitation has the force of law. If a licensee fails to comply
19 with a condition or limitation, the department may issue a
20 correction order or assess a fine or it may suspend, revoke, or
21 refuse to renew the license in accordance with Minnesota
22 Statutes, section 144A.11.

23 ~~If the department issues a correction order, it shall~~
24 ~~determine the time allowed for correction. That time period~~
25 ~~must be specified in the correction order and must be related to~~
26 ~~the nature of the violation and the interests of the residents.~~
27 If the department assesses a fine, the fine is \$250. The fine
28 accrues on a daily basis in accordance with Minnesota Statutes,
29 section 144A.10.

30 12. Appeal procedure. The applicant or licensee may
31 contest the issuance of a conditional or limited license by
32 requesting a contested case proceeding under the Administrative
33 Procedure Act, Minnesota Statutes, sections ~~15.0418 to 15.0426~~
34 14.57 to 14.70, within 15 days after receiving the notification
35 described in 10. The request for a hearing must set out in
36 detail the reasons why the applicant contends that a conditional

1 or limited license should not be issued. ~~Except-in-a-proceeding~~
 2 ~~challenging-the-decision-to-condition-or-limit-a-current-or~~
 3 ~~renewal-license,-the-applicant-has-the-burden-of-proving-that-an~~
 4 ~~unrestricted-license-should-be-issued.~~

5 13. License application forms. The department shall
 6 furnish the applicant or the licensee with the necessary forms
 7 to obtain initial or renewed licensure or to request relicensure
 8 of the nursing home after a transfer of interest. The license
 9 forms must require that the following information be provided:

10 a. General information.

11 (1) The name, address, and telephone number of the
 12 nursing home;

13 (2) The name of the county in which the nursing home
 14 is located;

15 (3) The legal property description of the land upon
 16 which the nursing home is located;

17 (4) The licensed bed capacity;

18 (5) The designation of the classification of
 19 ownership, e.g., state, county, city, city/county, hospital
 20 district, federal, corporation, nonprofit corporation,
 21 partnership, sole proprietorship, or other entity;

22 (6) The name and address of the controlling person
 23 or managerial employee who shall be responsible for dealing with
 24 the commissioner of health on all matters relating to the
 25 nursing home license and on whom personal service of all notices
 26 and orders shall be served;

27 (7) The location and square footage of the floor
 28 space constituting the facility; and

29 (8) For the purposes of license renewal, an
 30 indication of compliance with the provisions regarding the
 31 submission of financial statements to the Department of Public
 32 Welfare.

33 b. Disclosure of controlling persons. In accordance
 34 with Minnesota Statutes, section 144A.03, which requires that
 35 the nursing home license application identify the name and
 36 address of all controlling persons of the nursing home, as

1 defined in Minnesota Statutes, section 144A.01, subdivision 4:

2 (1) Administrator and licensee.

3 (a) The name and address of the administrator;

4 (b) The name and address of the licensee of the
5 nursing home;

6 (c) If the licensee is a public body or
7 governmental agency, the name and address of all individuals on
8 the governing body who are officers or directors of the nursing
9 home or who receive any remuneration from the nursing home;

10 (d) If the licensee is a partnership, the name
11 and address of each general partner;

12 (e) If the licensee is a corporation, the name,
13 address, and position of each individual who is an officer or
14 director;

15 (f) If the licensee is a business association,
16 the name and address of each individual who is an officer and
17 director of the association;

18 (2) Administrator and licensee - previous work
19 experience. Specify the previous work experience in Minnesota
20 nursing homes during the past two years for each individual
21 identified under b.(1)(a)-(f).

22 (3) Ownership interests - licensee.

23 (a) If the licensee is a partnership, the name
24 and address of every individual, partnership, corporation, or
25 other business association having an ownership interest in the
26 partnership;

27 (b) If the licensee is a corporation, the name
28 and address of every individual, partnership, corporation, or
29 other business association having an ownership interest in the
30 corporation;

31 (c) If the licensee is a business association,
32 the name and address of every individual, partnership,
33 corporation, or business association having an ownership
34 interest in the business association.

35 (4) Ownership interests - land, structure, or
36 facilities comprising the nursing home. The name and address of

1 each individual, partnership, corporation, or other business
2 association having an ownership interest in one or more of the
3 following:

4 (a) The land on which the nursing home is located;

5 (b) A structure in which the nursing home is
6 located;

7 (c) Any mortgage, contract for deed, or other
8 obligation secured in whole or in part by the land or structure
9 comprising the nursing home; or

10 (d) Any lease or sublease of the land, structure,
11 or facilities comprising the nursing home.

12 (5) Ownership interests - controlling persons. If a
13 partnership, corporation, or other entity or association has
14 been identified in response to b.3.-4., the following
15 information must be provided:

16 (a) If a partnership is identified, the name and
17 address of all partners;

18 (b) If a corporation is identified, the name and
19 address of all individuals, partnerships, corporations, or other
20 business associations having an ownership interest in that
21 corporation;

22 (c) If a business association is identified, the
23 name and address of all individuals, partnerships, corporations,
24 or business associations having an ownership interest in that
25 association.

26 If a partnership, corporation, or other business
27 association is identified in response to b.(5), the name and
28 address of the individuals, partnerships, corporations, or other
29 business associations having an ownership interest therein shall
30 be provided. The disclosure of ownership interests in all
31 subsequently identified partnerships, corporations, or business
32 associations shall continue until only natural persons are
33 disclosed.

34 (6) Ownership interests - beneficial interests. For
35 each individual identified in response to the questions above,
36 the following information must be provided.

1 (a) The name and address of any individual who
2 has the right to acquire that person's ownership interest
3 through the exercise of an option or similar right; and

4 (b) The name and address of that person's spouse
5 or relative or a relative of the spouse residing in the home of
6 that person who has the right to control the ownership interest,
7 such as voting rights or the right to share in the income from
8 that interest.

9 c. Disclosure of managerial employees. Provide the
10 name and address of all assistant administrators and service
11 directors, and indicate their previous work experience in
12 nursing homes located in Minnesota during the past two years.

13 7 MCAR S 1.046 General policies.

14 (APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

15 (a)-(f) [See relettering instruction.]

16 G. Pet animals. Pet animals may be kept on the premises of
17 a nursing home or boarding care home only in accordance with the
18 provisions of 7 MCAR S 1.042.

19 (h)-(k) [See relettering instruction.]

20 L. [Unchanged.]

21 M. Compliance with the Vulnerable Adult Abuse Reporting Act.
22 Each nursing home or boarding care home shall comply with the
23 provisions of Minnesota Statutes, section 626-557 and the
24 provisions of 7 MCAR S 1.043.

25 7 MCAR S 1.048 Records and reports.

26 (APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

27 A. Patient or resident care record. An individual chart
28 shall be kept on each patient and resident admitted to the
29 home. All entries shall be made with a pen and signed by the
30 person making the entry. Accurate, complete and legible records
31 for each patient or resident from the time of admission to the
32 time of discharge or death shall be kept current and shall be
33 maintained in a chart holder at the nurses' or attendants'
34 station.

35 1.-7. [Unchanged.]

1 8. Record of patients' and residents' funds.

2 a.-b. [Unchanged.]

3 c. Personal fund accounts.

4 (1)-(6) [Unchanged.]

5 (7) Upon the request of the patient or resident or
6 the patient's or resident's legal guardian or conservator or
7 representative payee, the nursing home or boarding care home
8 shall return all or any part of the patient's or resident's
9 funds given to the nursing home or boarding care home for
10 safekeeping, including interest, if any, accrued from deposits.
11 The nursing home or boarding care home shall develop a policy
12 specifying the period of time during which funds can be
13 withdrawn. This policy must ensure that the ability to withdraw
14 funds is provided in accordance with the needs of the
15 residents. This policy must also specify whether or not the
16 nursing home or boarding care home will establish a procedure
17 allowing patients or residents to obtain funds to meet
18 unanticipated needs on days when withdrawal periods are not
19 scheduled. The nursing home or boarding care home shall notify
20 patients and residents of the time periods during which funds
21 can be withdrawn. The nursing home or boarding care home shall
22 establish a procedure allowing residents to obtain funds to meet
23 unanticipated needs on days when withdrawal periods are not
24 scheduled policy governing the withdrawal of funds. Funds kept
25 outside of the facility shall be returned within five business
26 days.

27 d.-e. [Unchanged.]

28 9.-11. [Unchanged.]

29 7 MCAR S 1.053 Medications.

30 THE FOLLOWING APPLY TO NURSING HOMES ONLY:

31 (a)-(e) [See relettering instruction.]

32 F. [Unchanged.]

33 (g)-(m) [See relettering instruction.]

34 N. Administration of medications by unlicensed personnel.

35 THE FOLLOWING APPLIES TO BOTH NURSING HOMES AND BOARDING CARE

36 HOMES: Unlicensed nursing personnel who administer medications

1 in a nursing home or a boarding care home certified as an
 2 intermediate care facility as defined in United States Code,
 3 title 42, section 1396d, must have completed a medication
 4 administration training program for unlicensed personnel in
 5 nursing homes which is offered through a Minnesota postsecondary
 6 educational institution. The nursing home or boarding care home
 7 shall keep written documentation verifying completion of the
 8 required course by all unlicensed nursing personnel
 9 administering medications.

10 7 MCAR S 1.057 Schedule of fines for uncorrected deficiencies.

11 A. Nursing homes and boarding care homes. A \$50 penalty
 12 assessment will be issued under the provisions of Minnesota
 13 Statutes, section 144.653, subdivision 6 for noncompliance with
 14 correction orders relating to the sections of these regulations
 15 listed below:

- 16 1. 7 MCAR S 1.044 O., P., Q.,
- 17 S., T., U.;
- 18 2. MHD 45 (a)(3); (f); (h)(1); (h)(2)(aa); (h)(2)(ff);
- 19 (h)(4);
- 20 3. MHD 46 (a); (b); (j); (k);
- 21 4. MHD 47 (c); (e);
- 22 5. MHD 48 (a)(4); (a)(5); (a)(6); (a)(7); (a)(9); (a)(11);
- 23 6. MHD 50 (a); (j);
- 24 7. MHD 52 (a)(2); (a)(3); (a)(4); (a)(9); (d); (e);
- 25 8. MHD 54 (a)(7); (b)(5);
- 26 9. MHD 55 (i);
- 27 10. MHD 56 (f); (h); and
- 28 11. MHD 64 (a)(22); (b)(15).

29 B. Nursing homes and boarding care homes. A \$250 penalty
 30 assessment will be issued under the provisions of Minnesota
 31 Statutes, section 144.653, subdivision 6 for noncompliance with
 32 correction orders relating to all other sections of these
 33 regulations not specifically enumerated in A., C., or D.

34 C. Boarding care homes.

- 35 1. A \$50 penalty assessment will be issued to a boarding
 36 care home under the provisions of Minnesota Statutes, section

1 144.653, subdivision 6 for noncompliance with correction orders
2 relating to the following rules:

- 3 a. 7 MCAR S 1.042 B.1.;
- 4 b. 7 MCAR S 1.042 B.2.;
- 5 c. 7 MCAR S 1.042 B.3.;
- 6 d. 7 MEAR S ~~1-042 E-1-7~~;
- 7 e. 7 MEAR S ~~1-042 E-5-7~~;
- 8 f. 7 MEAR S ~~1-043 E-2-a-7~~;
- 9 g. 7 MEAR S ~~1-043 E-3-7~~;
- 10 h. 7 MCAR S 1.048 A.4.;
- 11 ~~i.~~ e. 7 MCAR S 1.048 A.8.a.;
- 12 ~~j.~~ f. 7 MCAR S 1.048 A.8.b.(2);
- 13 ~~k.~~ g. 7 MCAR S 1.048 A.8.c.(3);
- 14 ~~l.~~ h. 7 MCAR S 1.048 A.8.c.(5);
- 15 ~~m.~~ i. 7 MCAR S 1.048 A.8.c.(6);
- 16 ~~n.~~ j. 7 MCAR S 1.048 A.8.d.;
- 17 ~~o.~~ k. 7 MCAR S 1.048 A.8.e.;
- 18 ~~p.~~ l. 7 MCAR S 1.052 A.1.b.; and
- 19 ~~q.~~ m. 7 MCAR S 1.055 U.1.b.(1)(c).

20 2. A \$250 penalty assessment will be issued to a boarding
21 care home under the provisions of Minnesota Statutes, section
22 144.653, subdivision 6, for noncompliance with correction orders
23 relating to the following rules:

- 24 a. 7 MCAR S 1.042 C.1.;
- 25 b. 7 MCAR S 1.042 C.2.;
- 26 ~~b.~~ c. 7 MCAR S 1.042 C.3.;
- 27 ~~e.~~ d. 7 MCAR S 1.042 C.4.;
- 28 e. 7 MCAR S 1.042 C.5.; and
- 29 ~~d.~~ f. 7 MCAR S 1.042 C.6.;
- 30 ~~e.~~ 7 MEAR S ~~1-042 E-7-7~~;
- 31 ~~f.~~ 7 MEAR S ~~1-042 E-8-7~~;
- 32 ~~g.~~ 7 MEAR S ~~1-042 E-9-7~~;
- 33 ~~h.~~ 7 MEAR S ~~1-043 B-7~~;
- 34 ~~i.~~ 7 MEAR S ~~1-043 E-1-7~~;
- 35 ~~j.~~ 7 MEAR S ~~1-043 E-2-b-7~~;
- 36 ~~k.~~ 7 MEAR S ~~1-043 E-2-e-7~~;

1 i- 7 MCAR S 1-043 E-2-d-7
 2 m- 7 MCAR S 1-043 E-2-e-7
 3 n- 7 MCAR S 1-043 D-1-7
 4 o- 7 MCAR S 1-043 D-2-a-7
 5 p- 7 MCAR S 1-043 D-2-b-7
 6 q- 7 MCAR S 1-043 D-2-e-7
 7 r- 7 MCAR S 1-043 D-2-d-7
 8 s- 7 MCAR S 1-043 D-2-e-7
 9 t- 7 MCAR S 1-043 E-1-7
 10 u- 7 MCAR S 1-043 E-2-7
 11 v- 7 MCAR S 1-043 E-3-7
 12 w- 7 MCAR S 1-043 E-4-7
 13 x- 7 MCAR S 1-043 E-5-7 and
 14 y- 7 MCAR S 1-043 F-

15 D. Nursing homes.

16 1. A \$50 penalty assessment will be assessed on a daily
 17 basis to a nursing home for noncompliance with correction orders
 18 relating to the following rules:

19 a. 7 MCAR S 1.042 B.1.;
 20 b. 7 MCAR S 1.042 B.2.;
 21 c. 7 MCAR S 1.042 B.3.;
 22 d. 7 MCAR S 1-042 E-1-7
 23 e. 7 MCAR S 1-042 E-5-7
 24 f. 7 MCAR S 1-043 E-2-a-7
 25 g. 7 MCAR S 1-043 D-3-7
 26 h. 7 MCAR S 1-044 Y-2-7
 27 i. 7 MCAR S 1-044 Y-3-7
 28 j. 7 MCAR S 1.048 A.4.;
 29 k. e. 7 MCAR S 1.048 A.8.a.;
 30 l. f. 7 MCAR S 1.048 A.8.b.(2);
 31 m. g. 7 MCAR S 1.048 A.8.c.(3);
 32 n. h. 7 MCAR S 1.048 A.8.c.(5);
 33 o. i. 7 MCAR S 1.048 A.8.c.(6);
 34 p. j. 7 MCAR S 1.048 A.8.d.;
 35 q. k. 7 MCAR S 1.048 A.8.e.;
 36 r. l. 7 MCAR S 1.052 A.1.b.;

1 ~~r~~ m. 7 MCAR S 1.053 F.2.;

2 ~~s~~ n. 7 MCAR S 1.055 U.1.b.(1)(c); and

3 ~~t~~ o. 7 MCAR S 1.064 A.3.f.(1)(a).

4 2. A \$150 penalty assessment will be assessed on a daily
5 basis to a nursing home for noncompliance with correction orders
6 relating to the following rules:

7 a. 7 MCAR S 1.042 C.1.;

8 b. 7 MCAR S 1.042 C.2.;

9 ~~b~~ c. 7 MCAR S 1.042 C.3.;

10 ~~e~~ d. 7 MCAR S 1.042 C.4.;

11 e. 7 MCAR S 1.042 C.5.;

12 ~~d~~ f. 7 MCAR S 1.042 C.6.;

13 ~~e~~ 7 MCAR S 1.042 C.7.;

14 ~~f~~ 7 MCAR S 1.042 C.8.;

15 ~~g~~ 7 MCAR S 1.042 C.9.;

16 ~~h~~ 7 MCAR S 1.043 B.;

17 ~~i~~ 7 MCAR S 1.043 C.1.;

18 ~~j~~ 7 MCAR S 1.043 C.2.b.;

19 ~~k~~ 7 MCAR S 1.043 C.2.e.;

20 ~~l~~ 7 MCAR S 1.043 C.2.d.;

21 ~~m~~ 7 MCAR S 1.043 C.2.e.;

22 ~~n~~ 7 MCAR S 1.043 D.1.;

23 ~~e~~ 7 MCAR S 1.043 D.2.a.;

24 ~~p~~ 7 MCAR S 1.043 D.2.b.;

25 ~~q~~ 7 MCAR S 1.043 D.2.e.;

26 ~~r~~ 7 MCAR S 1.043 D.2.d.;

27 ~~s~~ 7 MCAR S 1.043 D.2.e.;

28 ~~t~~ 7 MCAR S 1.043 E.1.;

29 ~~u~~ 7 MCAR S 1.043 E.2.;

30 ~~v~~ 7 MCAR S 1.043 E.3.;

31 ~~w~~ 7 MCAR S 1.043 E.4.;

32 ~~x~~ 7 MCAR S 1.043 E.5.;

33 ~~y~~ 7 MCAR S 1.043 F.;

34 ~~z~~ g. 7 MCAR S 1.046 L.2.b.;

35 ~~aa~~ h. 7 MCAR S 1.046 L.2.c.;

36 ~~bb~~ i. 7 MCAR S 1.046 L.2.d.;

- 1 ~~ee~~ j. 7 MCAR S 1.046 L.2.e.;
- 2 ~~dd~~ k. 7 MCAR S 1.046 L.2.f.;
- 3 ~~ee~~ l. 7 MCAR S 1.046 L.3.;
- 4 ~~ff~~ m. 7 MCAR S 1.047 A.;
- 5 ~~gg~~ n. 7 MCAR S 1.048 A.8.b.(1);
- 6 ~~hh~~ o. 7 MCAR S 1.048 A.8.c.(1);
- 7 ~~ii~~ p. 7 MCAR S 1.048 A.8.c.(2);
- 8 ~~jj~~ q. 7 MCAR S 1.048 A.8.c.(4)(a);
- 9 ~~kk~~ r. 7 MCAR S 1.048 A.8.c.(4)(b);
- 10 ~~ll~~ s. 7 MCAR S 1.048 A.8.c.(4)(c);
- 11 ~~mm~~ t. 7 MCAR S 1.048 A.8.c.(7);
- 12 ~~nn~~ u. 7 MCAR S 1.053 N.;
- 13 ~~oo~~ v. 7 MCAR S 1.055 U.1.b.(1)(a);
- 14 ~~pp~~ w. 7 MCAR S 1.055 U.1.b.(1)(b);
- 15 ~~qq~~ x. 7 MCAR S 1.055 U.1.b.(2)(a);
- 16 ~~rr~~ y. 7 MCAR S 1.055 U.1.b.(2)(b);
- 17 ~~ss~~ z. 7 MCAR S 1.055 U.1.b.(2)(c);
- 18 ~~tt~~ aa. 7 MCAR S 1.055 U.1.b.(2)(d);
- 19 ~~uu~~ bb. 7 MCAR S 1.055 U.1.b.(2)(e);
- 20 ~~vv~~ cc. 7 MCAR S 1.055 U.1.b.(2)(f);
- 21 ~~ww~~ dd. 7 MCAR S 1.055 U.1.b.(2)(g);
- 22 ~~xx~~ ee. 7 MCAR S 1.055 U.1.b.(2)(h); and
- 23 ~~yy~~ ff. 7 MCAR S 1.055 U.1.b.(2)(i).

24 3. A \$250 penalty assessment shall be assessed on a daily
 25 basis to a nursing home for noncompliance with correction orders
 26 relating to the following rules:

- 27 a. 7 MCAR S 1.046 L.2.a.; and
- 28 b. 7 MCAR S 1.064 A.3.f.(1)(b).

29 7 MCAR S 1.058 Allowable time periods for correction.

30 A. Allowable time periods for correction. The allowable
 31 time periods for complying with a correction order issued by the
 32 department shall be as follows:

- 33 ~~1-~~ 7 MCAR S ~~1-~~044
- 34 a. ~~Y-2-~~ 14 days
- 35 b. ~~Y-3-~~ 14 days

36 1.-4- 6. [See renumbering instruction Unchanged.]

- 1 6- 7 MCAR S 1-053
- 2 a- F-2- 30 days
- 3 b- N- 14 days
- 4 6--7- {See renumbering instruction- }
- 5 9- 7 MCAR S 1-042
- 6 a- B-1- 30 days
- 7 b- B-2- 30 days
- 8 c- B-3- 30 days
- 9 d- C-1- 30 days
- 10 e- C-2- 30 days
- 11 f- C-3- 14 days
- 12 g- C-4- 14 days
- 13 h- C-5- 14 days
- 14 i- C-6- 14 days
- 15 j- C-7- 14 days
- 16 k- C-8- 14 days
- 17 l- C-9- 14 days
- 18
- 19 10- 7 MCAR S 1-043
- 20 a- B- 14 days
- 21 b- C-1- 14 days
- 22 c- C-2- a- 14 days
- 23 d- C-2- b- 14 days
- 24 e- C-2- c- 14 days
- 25 f- C-2- d- 14 days
- 26 g- C-2- e- 14 days
- 27 h- D-1- 14 days
- 28 i- D-2- a- 14 days
- 29 j- D-2- b- 14 days
- 30 k- D-2- c- 14 days
- 31 l- D-2- d- 14 days
- 32 m- D-2- e- 14 days
- 33 n- D-3- 14 days
- 34 o- E-1- 14 days
- 35 p- E-2- 14 days
- 36 q- E-3- 14 days

1 r- E-4- 14 days
 2 s- E-5- 14 days
 3 t- F- 14 days

4 B. [Unchanged.]

5 C- Decreasing the time allowed for correction- The
 6 department shall allow the nursing home the period of time for
 7 correction specified in section A- unless the department
 8 determines that a violation must be corrected within a shorter
 9 time because noncompliance will jeopardize the health,
 10 treatment, safety, comfort, or well-being of the nursing home
 11 residents- If the department orders a shorter period of time
 12 for correction, that time period must be specified in the
 13 correction order and must be related to the nature of the
 14 violation and the interests of the residents- No provision in 7
 15 MCAR S 1.058 prevents the department from ordering immediate
 16 correction of a deficiency if necessary to protect the health,
 17 treatment, safety, comfort, and well-being of the nursing home
 18 residents-

19 7 MCAR S 1.377 General provisions.

20 A. [Unchanged.]

21 B. Applicability to employers.

22 1.-4. [Unchanged.]

23 5. An employer which is preempted from complying with
 24 Minnesota Statutes, section 62E.17, subdivision 1, as a result
 25 of the Employee Retirement Income Security Act, United States
 26 Code, title 29, sections 1144 (a) and 1144 (b)(2)(B) is not an
 27 "applicable employer" for the purposes of 7 MCAR SS 1.366 to
 28 1.380.

29 C.-F. [Unchanged.]

30 7 MCAR S 1.392 General provisions.

31 A.-B. [Unchanged.]

32 (c)-(1) [See relettering instruction.]

33 M. Pet animals. Pet animals may be kept on the premises of
 34 a supervised living facility only in accordance with the
 35 provisions of 7 MCAR S 1.042.

1 N. Compliance with the Vulnerable Adult Abuse Reporting Act:
 2 Each supervised living facility shall comply with the provisions
 3 of Minnesota Statutes, section 626-557 and the provisions of 11
 4 MCAR S 1-043.

5 ~~0.~~ Schedule of fines for uncorrected deficiencies.

6 1. A \$50 penalty assessment will be issued to a
 7 supervised living facility under Minnesota Statutes, section
 8 144.653, subdivision 6, for noncompliance with correction orders
 9 relating to the rules listed below:

- 10 a. 7 MCAR S 1.042 B.1.;
- 11 b. 7 MCAR S 1.042 B.2.; and
- 12 c. 7 MCAR S 1.042 B.3.;
- 13 ~~d. 7 MCAR S 1-042 E-1.;~~
- 14 ~~e. 7 MCAR S 1-042 E-5.;~~
- 15 ~~f. 7 MCAR S 1-043 E-2-a.;~~ and
- 16 ~~g. 7 MCAR S 1-043 D-3.~~

17
 18 2. A \$250 penalty assessment will be issued to a
 19 supervised living facility under Minnesota Statutes, section
 20 144.653, subdivision 6, for noncompliance with correction orders
 21 relating to the following rules:

- 22 a. 7 MCAR S 1.042 C.1.;
- 23 b. 7 MCAR S 1.042 C.2.;
- 24 ~~c.~~ c. 7 MCAR S 1.042 C.3.;
- 25 ~~d.~~ d. 7 MCAR S 1.042 C.4.;
- 26 e. 7 MCAR S 1.042 C.5.; and
- 27 ~~f.~~ f. 7 MCAR S 1.042 C.6.;
- 28 ~~e.~~ 7 MCAR S 1-042 E-7.;
- 29 ~~f.~~ 7 MCAR S 1-042 E-8.;
- 30 ~~g.~~ 7 MCAR S 1-042 E-9.;
- 31 ~~h.~~ 7 MCAR S 1-043 B.;
- 32 ~~i.~~ 7 MCAR S 1-043 E-1.;
- 33 ~~j.~~ 7 MCAR S 1-043 E-2-b.;
- 34 ~~k.~~ 7 MCAR S 1-043 E-2-e.;
- 35 ~~l.~~ 7 MCAR S 1-043 E-2-d.;
- 36 ~~m.~~ 7 MCAR S 1-043 E-2-e.;

1
2 n- 7 MCAR S 1-043 D-1-7
3 e- 7 MCAR S 1-043 D-2-a-7
4 p- 7 MCAR S 1-043 D-2-b-7
5 q- 7 MCAR S 1-043 D-2-e-7
6 r- 7 MCAR S 1-043 D-2-d-7
7 s- 7 MCAR S 1-043 D-2-e-7
8 t- 7 MCAR S 1-043 E-1-7
9 u- 7 MCAR S 1-043 E-2-7
10 v- 7 MCAR S 1-043 E-3-7
11 w- 7 MCAR S 1-043 E-4-7
12 x- 7 MCAR S 1-043 E-5-7 and
13 y- 7 MCAR S 1-043 F-

14

15 Relettering and renumbering. Reletter 7 MCAR S 1.046 (a)-(f) as
16 A.-F.; (h)-(k) as H.-K.; 7 MCAR S 1.053 (a)-(e) as A.-E.;
17 (g)-(m) as G.-M.; and 7 MCAR S 1.392 (c)-(l) as C.-L. Renumber
18 7 MCAR S 1-058 A-1-4- as A-2-5-7 and A-6-7- as A-7-8-