

1 Department of Health

2

3 Adopted Permanent Rules Relating to Home Care Licensure

4

5 Rules as Adopted

6 4668.0002 APPLICABILITY, AUTHORITY, AND SCOPE.

7 This chapter implements the licensing of home care  
8 providers and hospice programs under Minnesota Statutes,  
9 sections 144A.43 to 144A.49, under the authority of Minnesota  
10 Statutes, sections 144A.45, subdivision 1, and 144A.48,  
11 subdivision 4. Unless otherwise provided, all licensed home  
12 care providers must meet the requirements of this chapter.  
13 Provisions that apply only to specified classes of licensees are  
14 identified by those provisions. The commissioner may delegate  
15 any authority or responsibility to an agent of the department.  
16 This chapter must be read together with Minnesota Statutes,  
17 sections 144A.43 to 144A.48.

18 4668.0003 DEFINITIONS.

19 Subpart 1. **Scope.** As used in parts 4668.0002 to  
20 4668.0230, the terms in subparts 2 to 45 have the meanings given  
21 them.

22 Subp. 2. **Ambulatory.** "Ambulatory" means the ability to  
23 move about and transfer between locations without the assistance  
24 of another person, either with or without the assistance of a  
25 walking device or wheel chair.

26 Subp. 3. **Assisted living services.** "Assisted living  
27 services" means individualized home care aide tasks or home  
28 management tasks provided to ~~residents~~ clients of a residential  
29 center in their living units, and provided either by the  
30 management of the residential center or by providers under  
31 contract with the management. In this subpart, "individualized"  
32 means chosen and designed specifically for each ~~resident's~~  
33 client's needs, rather than provided or offered to all ~~residents~~  
34 clients regardless of their illnesses, disabilities, or physical  
35 conditions.

1 Subp. 4. **Business.** "Business" means an individual or  
2 other legal entity that provides services to persons in their  
3 homes.

4 Subp. 5. **Client.** "Client" means a person to whom a home  
5 care provider provides home care services.

6 Subp. 6. **Commissioner.** "Commissioner" means the  
7 commissioner of health.

8 Subp. 7. **Contract.** "Contract" means a legally binding  
9 agreement, whether in writing or not.

10 Subp. 8. **Department.** "Department" means the Minnesota  
11 Department of Health.

12 Subp. 9. **Home care aide tasks.** "Home care aide tasks"  
13 means those services specified in part 4668.0110, subpart 1.

14 Subp. 10. **Home care provider or provider.** "Home care  
15 provider" or "provider" has the meaning given to home care  
16 provider by Minnesota Statutes, section 144A.43, subdivision 4.

17 Subp. 11. **Home care service.** "Home care service" has the  
18 meaning given it in Minnesota Statutes, section 144A.43,  
19 subdivision 3.

20 Subp. 12. **Home health aide tasks.** "Home health aide tasks"  
21 means those tasks allowed in part 4668.0100, subpart 1.

22 Subp. 13. **Home management services.** "Home management  
23 services" has the meaning given it in Minnesota Statutes,  
24 section 144A.43, subdivision 3, clause (8).

25 Subp. 14. **Home management tasks.** "Home management tasks"  
26 means all home management services that are not home health aide  
27 or home care aide tasks.

28 Subp. 15. **Hospice.** "Hospice" has the meaning given to  
29 "hospice program" by Minnesota Statutes, section 144A.48,  
30 subdivision 1, paragraph (4).

31 Subp. 16. **Hospital.** "Hospital" means a facility licensed  
32 as a hospital under Minnesota Statutes, sections 144.50 to  
33 144.56, and Minnesota Rules, chapter 4640.

34 Subp. 17. **Inpatient facility.** "Inpatient facility" means  
35 a hospital or nursing home.

36 Subp. 18. **Licensee.** "Licensee" means a home care provider

1 that is licensed under Minnesota Statutes, sections 144A.43 to  
2 144A.48, and parts 4668.0002 to 4668.0230.

3 Subp. 19. **Licensed practical nurse.** "Licensed practical  
4 nurse" has the meaning given it by Minnesota Statutes, section  
5 148.171, clause (4).

6 Subp. 20. **Managerial official.** "Managerial official"  
7 means a director, officer, trustee, or employee of a provider,  
8 however designated, who has the authority to establish or  
9 control business policy.

10 Subp. 21. **Medical social work or medical social services.**  
11 "Medical social work" or "medical social services" means social  
12 work related to the medical, health, or supportive care of  
13 clients.

14 Subp. 22. **Nurse.** "Nurse" means a registered nurse or  
15 licensed practical nurse.

16 Subp. 23. **Nursing home.** "Nursing home" means a facility  
17 licensed under Minnesota Statutes, sections 144A.01 to 144A.16.

18 Subp. 24. **Nutritional services.** "Nutritional services"  
19 means the services provided by a dietitian, including evaluation  
20 of a client's nutritional status and recommendation for changes  
21 in nutritional care; planning, organizing, and coordinating  
22 nutritional parts of other health services; adapting a medically  
23 ordered diet to the needs and understanding of the client; and  
24 translating the recommendations for nutritional care into  
25 appropriate food selection and food preparation guidelines.

26 Subp. 25. **Occupational therapist.** "Occupational therapist"  
27 means a person who performs occupational therapy.

28 Subp. 26. **Occupational therapy.** "Occupational therapy"  
29 means services designed to assist a client, who has functional  
30 disabilities related to developmental, restorative, or health  
31 needs, to adapt the client's environment and skills to aid in  
32 the performance of daily living tasks.

33 Subp. 27. **Owner.** "Owner" means a:

34 A. proprietor;

35 B. general partner;

36 C. limited partner who has five percent or more of

1 equity interest in a limited partnership;

2 D. person who owns or controls voting stock in a  
3 corporation in an amount equal to or greater than five percent  
4 of the shares issued and outstanding; or

5 E. corporation that owns an equity interest in a  
6 licensee or applicant for a license.

7 Subp. 28. **Paraprofessional.** "Paraprofessional" means a  
8 person who performs home health aide, home care aide, or home  
9 management tasks.

10 Subp. 29. **Physical therapist.** "Physical therapist" has  
11 the meaning given by Minnesota Statutes, section 148.65,  
12 subdivision 2.

13 Subp. 30. **Physical therapy.** "Physical therapy" has the  
14 meaning given by Minnesota Statutes, section 148.65, subdivision  
15 1.

16 Subp. 31. **Physician.** "Physician" means a person licensed  
17 under Minnesota Statutes, chapter 147.

18 Subp. 32. **Prescriber.** "Prescriber" means a person who is  
19 authorized by law to prescribe legend drugs.

20 Subp. 33. **Registered nurse.** "Registered nurse" has the  
21 meaning given it by Minnesota Statutes, section 148.171, clause  
22 (2).

23 Subp. 34. **Regularly scheduled.** "Regularly scheduled"  
24 means ordered or planned to be completed at predetermined times  
25 or according to a predetermined routine.

26 Subp. 35. **Residential center.** "Residential center" means  
27 a building or complex of buildings in which ~~residents~~ clients  
28 rent or own distinct living units.

29 Subp. 36. **Respiratory therapist.** "Respiratory therapist"  
30 means a person who performs respiratory therapy.

31 Subp. 37. **Respiratory therapy.** "Respiratory therapy"  
32 means therapeutic services provided under medical orders for the  
33 assessment, treatment, management, diagnostic evaluation, and  
34 care of clients with deficiencies, abnormalities, and diseases  
35 of the cardiopulmonary system.

36 Subp. 38. **Responsible person.** "Responsible person" means

1 a person who, because of the client's incapacity, makes  
2 decisions about the client's care on behalf of the client. A  
3 responsible person may be a guardian, conservator,  
4 attorney-in-fact, family member, or other agent of the client.  
5 Nothing in this chapter expands or diminishes the rights of  
6 persons to act on behalf of clients under other law.

7 Subp. 39. **Social work.** "Social work" has the meaning of  
8 "social work practice" as defined by Minnesota Statutes, section  
9 148B.18, subdivision 11.

10 Subp. 40. **Speech therapy.** "Speech therapy" means  
11 diagnostic, screening, preventive, or corrective services for  
12 clients with speech, hearing, and language disorders.

13 Subp. 41. **Survey.** "Survey" means an inspection of a  
14 licensee or applicant for licensure for compliance with this  
15 chapter and Minnesota Statutes, sections 144A.43 to 144A.48.  
16 Surveys include investigations of complaints.

17 Subp. 42. **Surveyor.** "Surveyor" means a representative of  
18 the department authorized by the commissioner to conduct surveys  
19 of licensees.

20 Subp. 43. **Therapist.** "Therapist" means a respiratory  
21 therapist, physical therapist, occupational therapist, speech  
22 therapist, or provider of nutritional services.

23 Subp. 44. **Unit of government.** "Unit of government" means  
24 every city, county, town, school district, other political  
25 subdivisions of the state, and any agency of the state or the  
26 United States, and includes any instrumentality of a unit of  
27 government.

28 Subp. 45. **Verbal.** "Verbal" means oral and not in writing.

29 4668.0005 PROFESSIONAL LICENSES.

30 Nothing in this chapter limits or expands the rights of  
31 health care professionals to provide services within the scope  
32 of their licenses or registrations, as provided by Minnesota law.

33 4668.0008 SERVICES INCLUDED IN AND EXCLUDED FROM LICENSURE.

34 Subpart 1. **Purpose.** This part implements Minnesota  
35 Statutes, section 144A.43, and establishes a process for

1 determining what businesses are subject to licensure under this  
2 chapter. This part must be read together with Minnesota  
3 Statutes, section 144A.43. A business that is not required to  
4 be licensed under this chapter may obtain a license for the  
5 purpose of excluding individual contractors under subpart 6 or  
6 for other lawful purposes.

7 Subp. 2. **Determination of direct services.** As defined in  
8 Minnesota Statutes, section 144A.43, subdivision 4, a home care  
9 provider is a business that provides at least one home care  
10 service directly. A service that is provided directly means a  
11 service provided to a client by the provider or employees of the  
12 provider, and not by contract with an independent contractor.  
13 The administration of a contract for home care services is not  
14 in itself a direct service. Factors that shall be considered in  
15 determining whether a business provides home care services  
16 directly include whether the business:

17 A. has the right to control and does control the  
18 types of services provided;

19 B. has the right to control and does control when and  
20 how the services are provided;

21 C. establishes the charges;

22 D. collects fees from the clients or receives payment  
23 from third party payers on the clients' behalf;

24 E. pays compensation on an hourly, weekly, or similar  
25 time basis;

26 F. treats the individuals as employees for purposes  
27 of payroll taxes and workers' compensation insurance; and

28 G. holds itself out as a provider of services or acts  
29 in a manner that leads clients or potential clients reasonably  
30 to believe that it is a provider of services.

31 None of the factors listed in items A to G is solely  
32 determinative.

33 Subp. 3. **Contract services.** If a licensee contracts for a  
34 home care service with a business that is not subject to  
35 licensure under this chapter, it must require, in the contract,  
36 that the business comply with this chapter and Minnesota

1 Statutes, sections 144A.43 to 144A.49.

2 Subp. 4. **Coordination of providers of home care services.**

3 The coordination of home care services is not itself a home care  
4 service. Coordination of home care services means one or more  
5 of the following:

6 A. Determination whether a client needs home care  
7 services, what services are needed, and whether existing  
8 services need to continue or be modified.

9 B. Referral of clients to home care providers.

10 C. Administration of payments for home care services.

11 Subp. 5. **Determination of regularly engaged.** As used in  
12 Minnesota Statutes, section 144A.43, subdivision 4, "regularly  
13 engaged" means providing, or offering to provide, home care  
14 services as a regular part of a provider's business. The  
15 following factors shall be considered by the commissioner in  
16 determining whether a person is regularly engaged in providing  
17 home care services:

18 A. whether the person markets services specifically  
19 to individuals whose illnesses, disabilities, or physical  
20 conditions create needs for the services;

21 B. whether the services are designed and intended  
22 specifically to assist the individuals;

23 C. whether the individuals constitute a substantial  
24 part of the person's clientele; and

25 D. whether the home care services are other than  
26 occasional or incidental to the provision of services that are  
27 not home care services.

28 None of the factors listed in items A to D is solely  
29 determinative.

30 Subp. 6. **Exclusion for a paraprofessional not regularly**  
31 **engaged in delivering home care services.** For purposes of  
32 subpart 5, an individual who performs home care aide tasks or  
33 home management tasks for no more than 14 hours each calendar  
34 week to no more than one client, is not regularly engaged in the  
35 delivery of home care services, and is not subject to licensure  
36 under this chapter.

1           Subp. 7. **Exclusion of individual contractors.** An  
2 individual who is not an employee of a licensed provider need  
3 not be licensed under this chapter, if the person:

4           A. only provides services as an independent  
5 contractor with one or more licensed providers;

6           B. provides no services under direct agreements with  
7 clients; and

8           C. is contractually bound to perform services in  
9 compliance with the contracting providers' policies and service  
10 agreements.

11           Individuals excluded from licensure under this subpart must  
12 comply with the same requirements of this chapter as employees  
13 of the contracting licensee.

14           Subp. 8. **Governmental providers.** Except as otherwise  
15 provided in this chapter or in law, home care services that are  
16 provided by the state, counties, or other units of government  
17 must be licensed under this chapter.

18           Subp. 9. **Exclusion of certain instructional and incidental  
19 services.** A business is not subject to Minnesota Statutes,  
20 sections 144A.43 to 144A.49, and is not required to be licensed  
21 under this chapter if the business only provides services that  
22 are primarily instructional and not medical services or  
23 health-related support services.

24           Subp. 10. **Temporary staffing agencies.** A business that  
25 provides staff to home care providers, such as temporary  
26 employment agencies, is not required to be licensed under this  
27 chapter if the business:

28           A. only provides staff under contract to licensed or  
29 exempt providers;

30           B. provides no services under direct agreements with  
31 clients; and

32           C. is contractually bound to perform services under  
33 the contracting providers' direction and supervision.

34           Subp. 11. **Status of temporary staff.** For purposes of this  
35 chapter, staff of businesses excluded from licensure under  
36 subpart 10 shall be treated as if they are employees of the



1 contracting licensee.

2 Subp. 12. **Medical equipment provider.** A provider of  
3 medical supplies and equipment is subject to this chapter only  
4 if:

5 A. the provider provides a home care service;

6 B. the provider makes more than one visit to a  
7 client's residence to provide the home care service; and

8 C. the supplies or equipment are ordered by a  
9 physician, osteopath, dentist, podiatrist, chiropractor, or  
10 other prescriber.

11 In this subpart, home care service does not include  
12 maintenance of supplies or equipment or instruction in their use.

13 4668.0012 LICENSURE.

14 Subpart 1. **License issued.** If a provider complies with  
15 the requirements of this chapter and Minnesota Statutes,  
16 sections 144A.43 to 144A.49, the commissioner shall issue to the  
17 provider a certificate of licensure that will contain:

18 A. the provider's name and address;

19 B. the class of license as provided in subpart 3;

20 C. the beginning and expiration dates; and

21 D. a unique license number.

22 Subp. 2. **Multiple units.** Multiple units of a provider  
23 must be separately licensed if the commissioner determines that  
24 the units, because of distinct organizational structures or the  
25 distance between them and the provider's main office, cannot  
26 adequately share supervision and administration of services with  
27 the main office, or do not share the same management.

28 Subp. 3. **Classes of licenses.** In issuing a license under  
29 this part, the commissioner shall assign a license  
30 classification according to items A and B. A provider  
31 performing only home management tasks shall be registered  
32 pursuant to Minnesota Statutes, section 144A.461, and need not  
33 obtain a home care license.

34 A. A provider shall apply for one of the classes of  
35 the home care license listed in subitems (1) to (5).

1 (1) Class A, or professional home care agency  
 2 license. Under this license, a provider may provide all home  
 3 care services in a place of residence, including a residential  
 4 center, at least one of which is nursing, physical therapy,  
 5 speech therapy, respiratory therapy, occupational therapy,  
 6 nutritional services, medical social services, home health aide  
 7 tasks, or the provision of medical supplies and equipment when  
 8 accompanied by the provision of a home care service.

9 (2) Class B, or paraprofessional agency license.  
 10 Under this license, a provider may perform home care aide tasks  
 11 and home management tasks, as provided by parts 4668.0110 and  
 12 4668.0120.

13 (3) Class C, or individual paraprofessional  
 14 license. Under this license, a provider may perform home health  
 15 aide, home care aide, and home management tasks.

16 (4) Class D, or hospice program license. Under  
 17 this license, a provider may provide hospice services, as  
 18 provided by Minnesota Statutes, section 144A.48.

19 (5) Class E, or assisted living programs  
 20 license. Under this license, a provider may only provide  
 21 assisted living services to residents of a residential center.

22 B. If a provider meets the requirements of both a  
 23 class A and class D license, the commissioner shall issue to the  
 24 provider both a class A license and a class D license.

25 Subp. 4. **Applicability of rules to classes.** A licensee  
 26 shall comply with all requirements of this chapter, except for  
 27 those parts that apply only to classes for which the licensee is  
 28 not licensed. The following parts apply only to the class of  
 29 license listed in items A to E.

30 A. A class A licensee must comply with part  
 31 4668.0180, except that one certified for Medicare as a home  
 32 health agency under Code of Federal Regulations, title 42, part  
 33 484, need not comply with the requirements listed in part  
 34 4668.0180, subpart 10.

35 B. A class B licensee must comply with part 4668.0190.

36 C. A class C licensee must comply with part 4668.0200.

1 D. A class D licensee must comply with part  
2 4668.0210, except that one certified for Medicare as a hospice  
3 program under Code of Federal Regulations, title 42, part 418,  
4 need not comply with the requirements listed in part 4668.0210,  
5 subpart 22.

6 E. A class E licensee must comply with part 4668.0215.

7 Subp. 5. **New license.** A license shall be issued to an  
8 applicant that is not currently licensed if the applicant  
9 completes the application, pays the fee in full, and complies  
10 with the requirements of Minnesota Statutes, sections 144A.43 to  
11 144A.49, and this chapter. A license is effective for one year  
12 after the date the license is issued.

13 Subp. 6. **License application.** To apply for a license  
14 under this chapter, an applicant must follow the procedures in  
15 items A and B.

16 A. An applicant for a license under this chapter must  
17 provide the following information on forms provided by the  
18 commissioner:

19 (1) the applicant's name and address, including  
20 the name of the county in which the applicant resides or has its  
21 principal place of business;

22 (2) address and telephone number of the principal  
23 administrative office;

24 (3) address and telephone number of each branch  
25 office, if any;

26 (4) names and addresses of all owners and  
27 managerial officials;

28 (5) a statement that persons involved in the  
29 management, operation, or control of a provider have not been  
30 convicted of a crime listed in part 4668.0020, subpart 14, or  
31 meet requirements for rehabilitation in part 4668.0020, subpart  
32 15;

33 (6) release statements, if required by part  
34 4668.0020, subpart 4;

35 (7) evidence of workers' compensation coverage,  
36 as required by Minnesota Statutes, sections 176.181 and 176.182;

1 (8) in the case of class C applicants, proof that  
2 the applicant is not contagious with tuberculosis, as required  
3 by part 4668.0065, subparts 1 and 2;

4 (9) in the case of class C applicants, proof that  
5 the applicant has met any applicable training and supervision  
6 requirements for paraprofessionals, as provided by parts  
7 4668.0100 and 4668.0110; and

8 (10) a list of those home care services listed in  
9 Minnesota Statutes, section 144A.43, subdivision 3, that will be  
10 made available to clients.

11 B. An application on behalf of a corporation,  
12 association, or unit of government must be signed by an officer  
13 or managing agent.

14 Subp. 7. **Agent.** Each application for a home care provider  
15 license or for renewal of a home care provider license shall  
16 designate one or more owners, managerial officials, or  
17 employees, as an agent:

18 A. who is authorized to transact business with the  
19 commissioner of health on all matters provided for in Minnesota  
20 Statutes, sections 144A.43 to 144A.49, and this chapter; and

21 B. upon whom all notices and orders shall be served,  
22 and who is authorized to accept service of notices and orders on  
23 behalf of the licensee, in proceedings under Minnesota Statutes,  
24 sections 144A.43 to 144A.49, and this chapter.

25 The designation of one or more persons under this subpart  
26 shall not affect the legal responsibility of any other owner or  
27 managerial official under Minnesota Statutes, sections 144A.43  
28 to 144A.49, and this chapter.

29 Subp. 8. **Notification of changes in information.** The  
30 licensee shall notify the commissioner in writing within ten  
31 working days after any change in the information required to be  
32 provided by subparts 6 and 7, except for the information  
33 required by subpart 6, item A, subitem (4), which will be  
34 required at the time of license renewal, and except for services  
35 reported under subpart 6, item A, subitem (10), that are  
36 discontinued for less than 90 days.

1           Subp. 9. **Application processing.** The commissioner shall  
2 process an application in the manner provided by Minnesota  
3 Statutes, section 144A.46, subdivision 1, paragraph (b). No  
4 application shall be processed without payment of the license  
5 fee in full, in the amount provided by subpart 18.

6           Subp. 10. **Prelicensing survey.** Before granting a license,  
7 other than a provisional license under Minnesota Statutes,  
8 section 144A.49, the commissioner may investigate the applicant  
9 for compliance with Minnesota Statutes, sections 144A.43 to  
10 144A.49, and this chapter.

11           Subp. 11. **Denial of license.** A license shall be denied if:

12           A. the applicant; an owner of the applicant,  
13 individually or as an owner of another home care provider; or  
14 another home care provider of which an owner of the applicant  
15 also was or is an owner; has ever been issued a correction order  
16 for failing to assist its clients, in violation of part  
17 4668.0050, subpart 2, upon the licensee's decision to cease  
18 doing business as a home care provider;

19           B. the applicant is not in compliance with Minnesota  
20 Statutes, sections 144A.43 to 144A.49, and this chapter;

21           C. the applicant is disqualified under part  
22 4668.0020, subpart 2;

23           D. the applicant or an owner or managerial official  
24 has refused to provide a release for access to criminal  
25 information, if required by part 4668.0020, subpart 4; or

26           E. the commissioner determines that an owner or  
27 managerial official, as an owner or managerial official of  
28 another licensee, was substantially responsible for the other  
29 licensee's failure to substantially comply with Minnesota  
30 Statutes, sections 144A.43 to 144A.49, and this chapter.

31           Subp. 12. **Change of classification.** A licensee may change  
32 to a different class of license under subpart 3, by submitting a  
33 new application under subpart 6 and meeting all applicable  
34 requirements of this chapter. An application under this subpart  
35 shall be accompanied by the fee provided by subpart 18.

36           Subp. 13. **License renewals.** Except as provided in subpart

1 14 or 15, a license will be renewed for a period of one year if  
2 the licensee satisfies items A to C. The licensee must:

3 A. submit an application for renewal on forms  
4 provided by the commissioner at least 30 days before expiration  
5 of the license; and

6 B. submit the renewal fee, in the amount provided by  
7 subpart 18; and

8 C. comply with this chapter and Minnesota Statutes,  
9 sections 144A.43 to 144A.49.

10 Subp. 14. **Conditional license.** If a licensee is not in  
11 full compliance with this chapter and Minnesota Statutes,  
12 sections 144A.43 to 144A.49, at the time of expiration of its  
13 license, and the violations do not warrant denial of renewal of  
14 the license, the commissioner shall issue a license for a  
15 limited period conditioned on the licensee achieving full  
16 compliance within the term of the license or the term of any  
17 correction orders.

18 Subp. 15. **Suspension, revocation, or denial of renewal of**  
19 **license.** The commissioner may deny renewal of a license, or may  
20 suspend, revoke, or make conditional a license, if the licensee,  
21 or an owner or managerial official of the licensee:

22 A. is in violation, or during the term of the license  
23 has violated, any of the requirements of this chapter or  
24 Minnesota Statutes, sections 144A.43 to 144A.49;

25 B. permits, aids, or abets the commission of any  
26 illegal act in the provision of home care;

27 C. performs any act detrimental to the welfare of a  
28 client;

29 D. obtained the license by fraud or  
30 misrepresentation;

31 E. knowingly made or makes a false statement of a  
32 material fact in the application for a license or in any other  
33 record or report required by this chapter;

34 F. denies representatives of the commissioner access  
35 to any part of the provider, its books, records, or files, or  
36 employees;

1 G. interferes with or impedes a representative of the  
2 commissioner in contacting the provider's clients;

3 H. interferes with or impedes a representative of the  
4 commissioner in the enforcement of Minnesota Statutes, sections  
5 144A.43 to 144A.49, and this chapter;

6 I. destroys or makes unavailable any records or other  
7 evidence relating to the licensee's compliance with Minnesota  
8 Statutes, sections 144A.43 to 144A.49, and this chapter;

9 J. refuses to provide a criminal record release, if  
10 required by part 4668.0020, subpart 4; or

11 K. has failed to timely pay any fines assessed under  
12 part 4668.0230.

13 Subp. 16. **Transfers prohibited; changes in ownership.** A  
14 license issued under this part may not be transferred to another  
15 party. Before changing ownership, a prospective provider must  
16 apply for a new license under this part. A change of ownership  
17 means a transfer of operational control to a different business  
18 entity, and includes:

19 A. transfer of the business to a different or new  
20 corporation;

21 B. in the case of a partnership, the dissolution or  
22 termination of the partnership under Minnesota Statutes, chapter  
23 323, with the business continuing by a successor partnership or  
24 other entity;

25 C. relinquishment of control of the provider by the  
26 licensee to another party, including to a contract management  
27 firm that is not under the control of the owner of the business'  
28 assets;

29 D. transfer of the business by a sole proprietor to  
30 another party or entity; or

31 E. in the case of a privately held corporation, the  
32 change in ownership or control of 50 percent or more of the  
33 outstanding voting stock.

34 Subp. 17. **Display of license.** The original license must  
35 be displayed in the provider's principal business office and  
36 copies must be displayed in all other offices. The licensee

1 must provide a copy of the license to any person who requests it.

2 Subp. 18. Fees. Each application for a license must  
3 include payment in full of the fee according to the schedule in  
4 chapter 4669.

5 4668.0016 WAIVERS AND VARIANCES.

6 Subpart 1. Definitions. For purposes of this part:

7 A. "waiver" means an exemption from compliance with a  
8 requirement of this chapter; and

9 B. "variance" means a specified alternative to a  
10 requirement of this chapter.

11 Subp. 2. Criteria for waiver or variance. Upon  
12 application of a licensee, the commissioner shall waive or vary  
13 any provision of this chapter, except for those provisions  
14 relating to criminal disqualification, part 4668.0020, and to  
15 the home care bill of rights, part 4668.0030, if the  
16 commissioner finds that:

17 A. the waiver or variance is necessary because of the  
18 unavailability of services or resources in the provider's  
19 geographic area; or

20 B. enforcement of a requirement would result in  
21 unreasonable hardship on the licensee; and

22 C. the waiver or variance will not adversely affect  
23 the health, safety, or welfare of any client.

24 Subp. 3. Experimental variance. A variance may be granted  
25 to allow a provider to offer home care services of a type or in  
26 a manner that is innovative, will not impair the services  
27 provided, will not adversely affect the health, safety, or  
28 welfare of the clients, and is likely to improve the services  
29 provided.

30 Subp. 4. Conditions. The commissioner may impose  
31 conditions on the granting of a waiver or variance that the  
32 commissioner considers necessary.

33 Subp. 5. Duration and renewal. The commissioner may limit  
34 the duration of any waiver or variance, and may renew a limited  
35 waiver or variance.



1           Subp. 6. **Applications.** An application for waiver or  
2 variance from the requirements of this chapter may be made at  
3 any time, must be made in writing to the commissioner, and must  
4 specify the following:

5           A. the rule from which the waiver or variance is  
6 requested;

7           B. the time period for which the waiver or variance  
8 is requested;

9           C. if the request is for a variance, the specific  
10 alternative action that the licensee proposes;

11           D. the reasons for the request; and

12           E. justification that subpart 2 or 3 will be  
13 satisfied.

14           The commissioner may require additional information from  
15 the licensee before acting on the request.

16           Subp. 7. **Grants and denials.** The commissioner shall grant  
17 or deny each request for waiver or variance in writing. Notice  
18 of a denial shall contain the reasons for the denial. The terms  
19 of a requested variance may be modified upon agreement between  
20 the commissioner and a licensee.

21           Subp. 8. **Violation of variances.** A failure to comply with  
22 the terms of a variance shall be deemed to be a violation of  
23 this chapter.

24           Subp. 9. **Revocation or denial of renewal.** The  
25 commissioner shall revoke or deny renewal of a waiver or  
26 variance if:

27           A. it is determined that the waiver or variance is  
28 adversely affecting the health, safety, or welfare of the  
29 licensee's clients;

30           B. the licensee has failed to comply with the terms  
31 of the variance;

32           C. the licensee notifies the commissioner in writing  
33 that it wishes to relinquish the waiver or variance and be  
34 subject to the rule previously waived or varied; or

35           D. the revocation or denial is required by a change  
36 in law.

1 Subp. 10. **Hearings.** A denial of a waiver or variance may  
2 be contested by requesting a hearing as provided by part  
3 4668.0017. The licensee bears the burden of proving that the  
4 denial of a waiver or variance was in error.

5 4668.0017 HEARINGS.

6 Subpart 1. **Hearing rights.** An applicant for a license or  
7 a licensee that has been assessed a fine under part 4668.0230,  
8 that has had a waiver or variance denied or revoked under part  
9 4668.0016, or that has a right to a hearing under Minnesota  
10 Statutes, section 144A.46, subdivision 3, may request a hearing  
11 to contest that action or decision according to the rights and  
12 procedures provided by Minnesota Statutes, chapter 14, and this  
13 part.

14 Subp. 2. **Request for hearing.** A request for a hearing  
15 shall be in writing and shall:

16 A. be mailed or delivered to the commissioner or the  
17 commissioner's designee;

18 B. contain a brief and plain statement describing  
19 every matter or issue contested; and

20 C. contain a brief and plain statement of any new  
21 matter that the licensee believes constitutes a defense or  
22 mitigating factor.

23 Subp. 3. **Informal conference.** At any time, the licensee  
24 and the commissioner may hold an informal conference to exchange  
25 information, clarify issues, or resolve any or all issues.

26 4668.0019 ADVERTISING.

27 Licensees shall not use false, fraudulent, or misleading  
28 advertising in the marketing of services. For purposes of this  
29 part, advertising includes any means of communicating to  
30 potential clients the availability, nature, or terms of home  
31 care services.

32 4668.0020 CRIMINAL DISQUALIFICATIONS OF APPLICANTS, LICENSEES  
33 AND STAFF.

34 Subpart 1. **Definition Definitions.**

1           A. In this part, "employ" includes engaging unpaid  
2 services of a volunteer; "employed" includes providing unpaid  
3 services as a volunteer under the control and direction of a  
4 licensee; "employee" includes a volunteer who provides unpaid  
5 services under the control and direction of the licensee.

6           B. In this part, "reasonable cause" means that  
7 information or circumstances exist which provide the  
8 commissioner or the licensee with an articulable suspicion that  
9 further pertinent information may exist concerning the employee  
10 or applicant.

11           Subp. 2. **Criminal disqualification of licensees.** Except  
12 as provided by subpart 15, no license will be issued to an  
13 applicant for a license if the applicant or an owner or  
14 managerial official of the applicant has ever been convicted of  
15 a crime listed in subpart 14, or a comparable crime in another  
16 jurisdiction.

17           Subp. 3. **Criminal disqualification of prospective and**  
18 **existing employees.** Except as provided by subpart 15, no  
19 licensee may employ in a position that requires direct contact  
20 with clients in their homes or in the community, any person who  
21 the licensee knows has ever been convicted of a crime listed in  
22 subpart 14, or a comparable crime in another jurisdiction.

23           Subp. 4. **Criminal investigation of applicants for**  
24 **licensure.** If the commissioner has reasonable cause to believe  
25 that the applicant or licensee, or an individual owner or  
26 managerial official of the applicant or licensee, who has direct  
27 contact with clients has ever been convicted of a crime listed  
28 in subpart 14 or a comparable crime in another jurisdiction, the  
29 commissioner may require the applicant, licensee, or owner or  
30 managerial official, to sign a notarized release statement, on a  
31 form provided by the commissioner, that authorizes local law  
32 enforcement agencies, the Minnesota Bureau of Criminal  
33 Apprehension, and other law enforcement agencies, to provide the  
34 commissioner a history of criminal convictions. The release  
35 statement must include the applicant's or individual owner's or  
36 managerial official's:

- 1 A. full name;
- 2 B. previous names and aliases;
- 3 C. date of birth; and
- 4 D. sex.

5 The commissioner shall request that local law enforcement  
6 agencies and the Minnesota Bureau of Criminal Apprehension  
7 provide a listing of the applicant's or licensee's or owner's or  
8 managerial official's criminal convictions. No new or renewal  
9 license shall be issued if a release required by this subpart is  
10 not provided.

11 **Subp. 5. Providing false information.** If an applicant for  
12 a license knowingly provides false or incomplete information  
13 about the criminal convictions of any owner or managerial  
14 official, and the commissioner issues a license in reliance on  
15 that information, the commissioner may revoke the license,  
16 subject to the requirements of part 4668.0050, subpart 2,  
17 concerning assistance upon discontinuation of services.

18 **Subp. 6. Criminal investigation of applicants for**  
19 **employment.** Before employing an applicant for employment, the  
20 licensee shall comply with subparts 8 to 10.

21 **Subp. 7. Criminal investigation of employees.** A licensee  
22 that has employees at the time the initial license is issued  
23 shall comply with subparts 8 to 10 with respect to those  
24 existing employees no later than 30 days following issuance of  
25 the license.

26 **Subp. 8. Disclosure of criminal conviction information by**  
27 **employees and applicants.** The licensee shall require each  
28 current employee and each prospective employee who has or will  
29 have direct contact with clients in their homes to sign a  
30 statement disclosing all crimes, except for minor traffic  
31 violations, of which the person has been convicted in any  
32 jurisdiction, or stating that the person has never been  
33 convicted of a crime, other than minor traffic violations. The  
34 disclosure statement shall be signed by the licensee if the  
35 licensee has direct contact with clients in their homes. The  
36 statement disclosing crimes must include:

- 1           A. the nature of the crime;
- 2           B. the jurisdiction in which the person was
- 3 convicted;
- 4           C. the date of conviction;
- 5           D. the penalty imposed, including conditions of
- 6 probation or conditional release and time periods of the
- 7 penalty;
- 8           E. the name and address of the probation or parole
- 9 agent, if any; and
- 10          F. the date of release from incarceration, if
- 11 applicable.

12          **Subp. 9. Removal of disqualified employees.** A person who  
 13 is employed by the licensee at the time the license is issued,  
 14 is disqualified from employment under subpart 3, and is not  
 15 considered rehabilitated under subpart 15, shall not be allowed  
 16 to work in a position that requires direct contact with clients  
 17 in their homes.

18          **Subp. 10. Criminal conviction history search.** If the  
 19 commissioner or the licensee has reasonable cause to believe  
 20 that an employee or prospective employee has not disclosed all  
 21 convictions of crimes, the commissioner or licensee shall  
 22 require the employee or prospective employee to sign a notarized  
 23 release statement, on a form provided by the commissioner, that  
 24 authorizes local law enforcement agencies and the Minnesota  
 25 Bureau of Criminal Apprehension to provide the commissioner a  
 26 history of criminal convictions. ~~Examples of reasonable cause~~  
 27 ~~include, but are not limited to, information about criminal~~  
 28 ~~background on an individual from another provider, an employee,~~  
 29 ~~or a member of the public.~~ The release statement must include  
 30 the person's:

- 31           A. full name;
- 32           B. all prior names and aliases;
- 33           C. date of birth; and
- 34           D. sex.

35          The commissioner or licensee shall request that local law  
 36 enforcement agencies and the Minnesota Bureau of Criminal

1 Apprehension provide a listing of the person's criminal  
2 convictions.

3 Subp. 11. **Failure to provide release.** If a person is  
4 required by a licensee to provide the release statement required  
5 by subpart 10, and fails to provide the release statement within  
6 five working days after the request, the person shall not be  
7 allowed to work in a position that requires direct contact with  
8 clients in their homes until it is determined that the person is  
9 not disqualified under this part.

10 Subp. 12. **Procedure to contest disqualification for**  
11 **license.** If a license is denied under subpart 2, the applicant  
12 that is disqualified and the owner or managerial official whose  
13 criminal record reveals criminal convictions may submit  
14 information to the commissioner to show that the criminal record  
15 is inaccurate or that the person is rehabilitated under subpart  
16 15. The applicant may also contest the denial of a license  
17 under part 4668.0017.

18 Subp. 13. **Procedure to contest disqualification for**  
19 **employment.** If a licensee denies employment to a prospective  
20 employee under subpart 3, or removes an existing employee from a  
21 position, under subpart 9, the person who is disqualified may  
22 submit information to the licensee to show that the criminal  
23 record is inaccurate or that the person is rehabilitated under  
24 subpart 15. The licensee shall remove an existing employee from  
25 direct client service pending a determination whether the  
26 criminal record is inaccurate or that the person is  
27 rehabilitated under subpart 15.

28 Subp. 14. **Disqualifying crimes.** The following crimes  
29 disqualify persons for licensure or employment, as provided by  
30 subparts 2 and 3:

31 A. crimes of homicide and aiding suicide under  
32 Minnesota Statutes, sections 609.185, 609.19, 609.195, 609.20,  
33 609.205, 609.21, and 609.215;

34 B. crimes against the person under Minnesota  
35 Statutes, sections 609.221, 609.222, 609.223, 609.2231, 609.224,  
36 609.228, 609.23, 609.231, 609.235, 609.24, 609.245, 609.25, and

- 1 609.255;
- 2 C. crimes against unborn children under Minnesota  
3 Statutes, sections 609.2661, 609.2662, 609.2663, 609.2664,  
4 609.2665, 609.267, 609.2671, 609.2672, and 609.268;
- 5 D. crimes of compulsion under Minnesota Statutes,  
6 sections 609.27, 609.275, and 609.28;
- 7 E. sex crimes under Minnesota Statutes, sections  
8 609.322, 609.323, 609.324, 609.33, 609.342, 609.343, 609.344,  
9 609.345, and 609.352;
- 10 F. crimes against the family under Minnesota  
11 Statutes, sections 609.377 and 609.378;
- 12 G. crimes affecting a public officer or employee  
13 under Minnesota Statutes, sections 609.465 and 609.466;
- 14 H. crimes of theft and related crimes under Minnesota  
15 Statutes, sections 609.52, 609.525, 609.53, 609.54, and 609.551;
- 16 I. crimes of damage or trespass to property under  
17 Minnesota Statutes, sections 609.561, 609.562, 609.563, 609.582,  
18 609.595, and 609.611;
- 19 J. crimes of public misconduct or nuisance under  
20 Minnesota Statutes, sections 609.687 and 609.713;
- 21 K. the crime of indecent exposure under Minnesota  
22 Statutes, section 617.23;
- 23 L. the crime of failure to report the maltreatment of  
24 minors under Minnesota Statutes, section 626.556, subdivision 6;
- 25 M. the crime of failure to report the maltreatment of  
26 vulnerable adults under Minnesota Statutes, section 626.557,  
27 subdivision 7;
- 28 N. the crime of abuse or neglect of a vulnerable  
29 adult, under Minnesota Statutes, section 626.557, subdivision  
30 19; and
- 31 O. crimes related to prohibited drugs under Minnesota  
32 Statutes, chapter 152.

33 Subp. 15. **Rehabilitation.** Except as provided by subpart  
34 16, a license that otherwise would have been denied under  
35 subpart 2, will be granted if the person or persons who have  
36 been convicted of crimes listed in subpart 14, meet the

1 requirements of items A and B. Except as provided by subpart  
2 16, a person who is disqualified from employment with a licensee  
3 under subpart 3 may be employed if the employer, or in the case  
4 of individual licensees, the commissioner, determines that:

5           A. the circumstances or social conditions surrounding  
6 the commission of the crime sufficiently mitigate the risk of  
7 employing the person; or

8           B. the person meets the requirements of subitems (1)  
9 to (4):

10           (1) The person has not been convicted of a crime  
11 listed in subpart 14, or a comparable crime in another  
12 jurisdiction, for the two years before the date of application  
13 for the license or for employment.

14           (2) If on probation, parole, or other conditional  
15 release, the person submits a report from the person's probation  
16 or parole agent ~~that-is-satisfactory-to-the-commissioner~~.

17           (3) The person has not been incarcerated in jail  
18 or prison for the two years before the date of application for  
19 the license or for employment.

20           (4) If, as a condition of the person's probation,  
21 conditional release, or sentence, the person had been ordered by  
22 a court to participate in a program for the treatment of  
23 chemical dependency, psychological disorders, or other  
24 behavioral problems, the person completed the program in  
25 compliance with the condition.

26       Subp. 16. **Exceptions to rehabilitation.** Subpart 15 does  
27 not apply in the case of a crime of homicide or aiding suicide  
28 under Minnesota Statutes, sections 609.185 to 609.215, committed  
29 in connection with the provision of health care or home care  
30 services.

31       Subp. 17. **Reporting undisclosed and new criminal**  
32 **information.** If a licensee learns of any criminal conviction of  
33 an employee that was not revealed to the licensee as required by  
34 subpart 8, and was not discovered by the criminal history search  
35 required by subpart 10, and is verified by a law enforcement  
36 agency, the licensee shall:



1           A. remove the employee from work involving direct  
2 client service, unless the failure to reveal the conviction was  
3 unintentional and is excusable; and

4           B. report the information about the conviction to the  
5 commissioner.

6 4668.0030 HOME CARE BILL OF RIGHTS.

7           Subpart 1. Scope and enforcement against those exempt from  
8 licensure. All home care providers, including those exempt from  
9 licensure under Minnesota Statutes, section 144A.46, subdivision  
10 2, must comply with this part and the home care bill of rights,  
11 as provided by Minnesota Statutes, section 144A.44. The  
12 commissioner shall enforce this part and the home care bill of  
13 rights against providers exempt from licensure in the same  
14 manner as against licensees.

15           Subp. 2. Notification of client. The provider shall give  
16 a written copy of the home care bill of rights, as required by  
17 Minnesota Statutes, section 144A.44, to each client or each  
18 client's responsible person.

19           Subp. 3. Time of notice. The provider shall deliver the  
20 bill of rights at the time that the provider and the client or  
21 the client's responsible person agree to a service agreement, or  
22 before services are initiated, whichever is earlier.

23           Subp. 4. Content of notice. In addition to the text of  
24 the bill of rights in Minnesota Statutes, section 144A.44,  
25 subdivision 1, the written notice to the client must include the  
26 following:

27           A. a statement, printed prominently in capital  
28 letters, that is substantially the same as the following:

29           IF YOU HAVE A COMPLAINT ABOUT THE AGENCY OR PERSON  
30           PROVIDING YOU HOME CARE SERVICES, YOU MAY CALL, WRITE,  
31           OR VISIT THE OFFICE OF HEALTH FACILITY COMPLAINTS,  
32           MINNESOTA DEPARTMENT OF HEALTH. YOU MAY ALSO CONTACT  
33           THE OMBUDSMAN FOR OLDER MINNESOTANS.

34           B. the telephone number, mailing address, and street  
35 address, of the Office of Health Facility Complaints;

1 C. the telephone number and address of the office of  
2 the ombudsman for older Minnesotans; and

3 D. the licensee's name, address, telephone number,  
4 and name or title of the person to whom problems or complaints  
5 may be directed.

6 The information required by items B and C shall be provided  
7 by the commissioner to licensees upon issuance of licenses and  
8 whenever changes are made.

9 Subp. 5. **Acknowledgment of receipt.** The provider shall  
10 obtain written acknowledgment of the client's receipt of the  
11 bill of rights or shall document why an acknowledgment cannot be  
12 obtained. The acknowledgment may be obtained from the client or  
13 the client's responsible person.

14 Subp. 6. **Documentation.** The licensee shall retain in the  
15 client's record documentation of compliance with this part.

16 Subp. 7. **Prohibition against waivers.** The licensee may  
17 not request nor obtain from clients any waiver of any of the  
18 rights enumerated in Minnesota Statutes, section 144A.44,  
19 subdivision 1. Any waiver obtained in violation of this subpart  
20 is void.

21 4668.0035 HANDLING OF CLIENTS' FINANCES AND PROPERTY.

22 Subpart 1. **Powers-of-attorney.** A licensee may not accept  
23 powers-of-attorney from clients for any purpose, and may not  
24 accept appointments as guardians or conservators of clients,  
25 unless the licensee maintains a clear organizational separation  
26 between the home care service and the program that accepts  
27 guardianship or conservatorship appointments. This subpart does  
28 not apply to licensees that are Minnesota counties or other  
29 units of government.

30 Subp. 2. **Handling clients' finances.** A licensee may  
31 assist clients with household budgeting, including paying bills  
32 and purchasing household goods, but may not otherwise manage a  
33 client's property. A licensee must provide a client with  
34 receipts for all transactions and purchases paid with the  
35 clients' funds. When receipts are not available, the

1 transaction or purchase must be documented. A licensee must  
2 maintain records of all such transactions.

3 Subp. 3. **Security of clients' property.** A licensee may  
4 not borrow a client's property, nor in any way convert a  
5 client's property to the licensee's possession, except in  
6 payment of a fee at the fair market value of the property.

7 Subp. 4. **Gifts and donations.** Nothing in this part  
8 precludes a licensee or its staff from accepting bona fide gifts  
9 of minimal value, or precludes the acceptance of donations or  
10 bequests made to a licensee that are exempt from income tax  
11 under section 501(c) of the Internal Revenue Code of 1986.

12 4668.0040 COMPLAINT PROCEDURE.

13 Subpart 1. **Complaint procedure.** Every class A, class B,  
14 class D, and class E licensee that has more than one direct care  
15 staff person, shall establish a system for receiving,  
16 investigating, and resolving complaints from its clients.

17 Subp. 2. **Informing clients.** The system required by  
18 subpart 1 must provide written notice to each client that  
19 includes:

20 A. the client's right to complain to the licensee  
21 about the services received;

22 B. the name or title of the person or persons to  
23 contact with complaints;

24 C. the method of submitting a complaint to the  
25 licensee;

26 D. the right to complain to the Minnesota Department  
27 of Health, Office of Health Facility Complaints; and

28 E. a statement that the provider will in no way  
29 retaliate because of a complaint.

30 Subp. 3. **Prohibition against retaliation.** No licensee  
31 shall take any action that negatively affects a client in  
32 retaliation for a complaint made by the client.

33 4668.0050 ACCEPTANCE, RETENTION, AND DISCHARGE OF CLIENTS.

34 Subpart 1. **Acceptance of clients.** No licensee may accept  
35 a person as a client unless the licensee has staff, sufficient

1 in qualifications and numbers, to adequately provide the  
 2 services agreed to in the service agreement, under part  
 3 4668.0140.

4 Subp. 2. Assistance upon discontinuance of services. If  
 5 the licensee discontinues a home care service to a client for  
 6 any reason and the client continues to need the home care  
 7 service, the licensee shall provide to the client a list of home  
 8 care providers that provide similar services in the client's  
 9 geographic area.

10 This subpart does not apply to a licensee that discontinues  
 11 a service to a client because of the client's failure to pay for  
 12 the service.

13 4668.0060 ADMINISTRATION.

14 ~~Subpart 1. Referrals. The licensee shall notify another~~  
 15 ~~home care provider, inpatient facility, or other health care~~  
 16 ~~practitioner or provider to whom the licensee transfers a~~  
 17 ~~client, of any contagious disease to which the client is known~~  
 18 ~~to have been exposed or which the client is known to have~~  
 19 ~~contracted.~~

20 ~~Subp. 2.~~ Subpart 1. Services by contract. The licensee  
 21 may contract for services to be provided to its clients.  
 22 Personnel providing services under contract must meet the same  
 23 requirements required by this chapter of personnel employed by  
 24 the licensee.

25 ~~Subp. 3.~~ 2. Responsibility of licensee for contractors. A  
 26 violation of this chapter by a contractor of the licensee will  
 27 be considered to be a violation by the licensee.

28 ~~Subp. 4.~~ 3. Fulfillment of services. The licensee shall  
 29 provide all services required by the client's service agreement,  
 30 required by part 4668.0140.

31 ~~Subp. 5.~~ 4. Scheduled appointments for nonessential  
 32 services. If a licensee, contractor, or employee of a licensee  
 33 is unable, for any reason, to keep a scheduled appointment for a  
 34 service that is not essential for medical or safety reasons, the  
 35 licensee shall:

1           A. follow the procedure, if any, established in the  
2 service agreement;

3           B. provide a replacement person; or

4           C. notify the client that the appointment will not be  
5 kept, and schedule a new appointment or arrange for some other  
6 reasonable alternative.

7           Subp. ~~6~~ 5. **Scheduled appointments for essential services.**

8 If, for medical or safety reasons, a service to be provided must  
9 be completed at the scheduled time, and the licensee,  
10 contractor, or employee of a licensee is unable, for any reason,  
11 to keep the scheduled appointment, the licensee shall make  
12 arrangements to complete the service through a contract with  
13 another provider or through other reasonable means.

14           Subp. ~~7~~ 6. **Availability of contact person.** Every class  
15 A, class B, class D, or class E licensee that provides home  
16 health aide or home care aide tasks, must have a contact person  
17 available for consultation whenever a paraprofessional is  
18 performing home health aide or home care aide tasks for a  
19 client. The contact person must be available to the  
20 paraprofessional in person, by telephone, or by other means.

21 4668.0065 INFECTION CONTROL.

22           Subpart 1. **Tuberculosis screening.** No person who is  
23 contagious with tuberculosis may provide services that require  
24 direct contact with clients. All individual licensees and  
25 employees and contractors of licensees must document the  
26 following before providing services that require direct contact  
27 with clients:

28           A. the person must provide documentation of having  
29 received a negative reaction to a Mantoux test administered  
30 within the 12 months before working in a position involving  
31 direct client contact, and no later than every 24 months after  
32 the first most recent Mantoux test; or

33           B. if the person has had a positive reaction to a  
34 Mantoux test upon employment or within the two years before  
35 working in a position involving direct client contact, or has a

1 positive reaction to a Mantoux test in repeat testing during the  
2 course of employment, the person must provide:

3 (1) documentation of a negative chest x-ray  
4 administered within the three months before working in a  
5 position involving direct client contact; and or

6 (2) documentation of a negative chest x-ray  
7 administered each 12 months, for two years after the positive  
8 reaction to a Mantoux test or documentation of completing or  
9 currently taking a course of tuberculosis preventative therapy;  
10 or

11 C. if the person has had a positive reaction to a  
12 Mantoux test more than two years before working in a position  
13 involving direct client contact, the person must provide  
14 documentation of a negative chest x-ray taken within the  
15 previous 12 months or documentation of completing or currently  
16 taking a course of tuberculosis preventative therapy.

17 In this subpart, "Mantoux test" means a Mantoux tuberculin  
18 skin test.

19 Subp. 2. **Exposure to tuberculosis.** In addition to the  
20 requirements of subpart 1, a person who has been exposed to  
21 active tuberculosis must document a negative result of a Mantoux  
22 test or chest x-ray administered no earlier than ten weeks and  
23 no later than 14 weeks after the exposure.

24 Subp. 3. **Infection control in-service training.** For each  
25 12 months of employment, all licensees and employees and  
26 contractors of licensees who have contact with clients in their  
27 residences, and their supervisors, shall complete in-service  
28 training about infection control techniques used in the home.  
29 This subpart does not apply to a person who performs only home  
30 management tasks. The training must include:

- 31 A. hand washing techniques;
- 32 B. the need for and use of protective gloves, gowns,  
33 and masks;
- 34 C. disposal of contaminated materials and equipment,  
35 such as dressings, needles, syringes, and razor blades;
- 36 D. disinfecting reusable equipment; and

1 E. disinfecting environmental surfaces.

2 4668.0070 PERSONNEL RECORDS.

3 Subpart 1. **Scope.** This part applies to all licensees  
4 except class C licensees.

5 Subp. 2. **Personnel records.** The licensee must maintain a  
6 record of each employee, of each individual contractor excluded  
7 under part 4668.0008, subpart 7, and of other individual  
8 contractors. The record must include the following information:

9 A. evidence of current professional licensure,  
10 registration, or certification, if licensure, registration, or  
11 certification is required by this chapter, statute, or other  
12 rules;

13 B. records of training required by this chapter; and

14 C. evidence of licensure under this chapter, if  
15 required.

16 Subp. 3. **Job descriptions.** The licensee shall maintain  
17 current job descriptions, including qualifications,  
18 responsibilities, and identification of supervisors, if any, for  
19 each job classification.

20 Subp. 4. **Retention of personnel records.** Each personnel  
21 record must be retained for at least three years after an  
22 employee or contractor ceases to be employed by the licensee.

23 4668.0075 ORIENTATION TO HOME CARE REQUIREMENTS.

24 Subpart 1. **Orientation.** Every individual applicant for a  
25 license, and every person who provides direct care, supervision  
26 of direct care, or management of services for a licensee, shall  
27 complete an orientation to home care requirements before  
28 providing home care services to clients. This orientation may  
29 be incorporated into the training required of paraprofessionals  
30 under part 4668.0130, or of persons providing volunteer services  
31 to a hospice under part 4668.0210, subpart 15. This orientation  
32 need only be completed once.

33 Subp. 2. **Content.** The orientation required by subpart 1  
34 must contain the following topics:

35 A. an overview of the home care statute, Minnesota

1 Statutes, sections 144A.43 to 144A.49, and this chapter;

2 B. handling of emergencies and use of emergency  
3 services;

4 C. reporting the maltreatment of vulnerable minors or  
5 adults under Minnesota Statutes, sections 626.556 and 626.557.

6 D. home care bill of rights;

7 E. handling of clients' complaints and reporting of  
8 complaints to the Office of Health Facility Complaints; and

9 F. services of the ombudsman for older Minnesotans.

10 Subp. 3. **Sources of orientation.** The orientation training  
11 required by this part may be provided by the licensee or may be  
12 obtained from other sources. The commissioner shall provide a  
13 curriculum and materials that may be used to present the  
14 orientation.

15 Subp. 4. **Verification and documentation.** Each licensee  
16 shall retain evidence that each person required under subpart 1,  
17 has completed the orientation training required by this part.

18 Subp. 5. **Transferability.** Licensees may accept from  
19 another provider written verification that a person has  
20 completed the orientation.

21 4668.0080 QUALIFICATIONS OF PROFESSIONAL PERSONNEL.

22 Subpart 1. **Occupational therapy.** A person who provides  
23 occupational therapy as a licensee or as an employee or  
24 contractor of a licensee must:

25 A. have earned a baccalaureate degree from an  
26 occupational therapy program accredited jointly by the Committee  
27 on Allied Health Education and Accreditation of the American  
28 Medical Association and the American Occupational Therapy  
29 Association;

30 B. be registered as an occupational therapist by the  
31 American Occupational Therapy Certification Board; or

32 C. meet the standards established for registration by  
33 the American Occupational Therapy Certification Board, in effect  
34 on June 1, 1990.

35 Subp. 2. **Speech therapy.** A person who provides speech



1 therapy as a licensee or as an employee or contractor of a  
2 licensee must be registered with the department as a speech-  
3 language pathologist, under parts 4750.0010 to 4750.0700.

4 Subp. 3. **Respiratory therapy.** A person who provides  
5 respiratory therapy as a licensee or as an employee or  
6 contractor of a licensee must have completed a respiratory care  
7 program accredited by the American Medical Association's  
8 Committee on Allied Health Education and Accreditation and the  
9 Joint Review Committee for Respiratory Therapy Education or by  
10 an accrediting agency approved by the commissioner.

11 Subp. 4. **Dietitians.** A person who provides nutritional  
12 services as a licensee or as an employee or contractor of a  
13 licensee, must have a baccalaureate degree in nutrition or a  
14 comparable program, including at least six months of supervised  
15 experience, or be registered by the Commission on Dietetic  
16 Registration of the American Dietetic Association.

17 Subp. 5. **Physical therapy.** A person who provides physical  
18 therapy as an employee or contractor of a licensee must be  
19 registered as a physical therapist with the Board of Medical  
20 Practice under Minnesota Statutes, sections 148.65 to 148.78.

21 4668.0100 HOME HEALTH AIDE TASKS.

22 Subpart 1. **Home health aide tasks.** For a class A, C, or D  
23 licensee, a registered nurse may delegate medical or nursing  
24 services as tasks or a therapist may assign therapy services as  
25 tasks only to a person who satisfies the requirements of subpart  
26 5. These delegated or assigned tasks, as set forth in this  
27 part, include home care aide tasks as set forth in part  
28 4668.0110. Class A or D licensees providing home care aide  
29 tasks must satisfy the training and supervision requirements of  
30 this part, and not part 4668.0110. These tasks include:

31 A. administration of medications, as provided by  
32 subpart 2;

33 B. performing routine delegated medical or nursing or  
34 assigned therapy procedures, as provided by subpart 4, except  
35 items C to H;

1 C. assisting with body positioning or transfers of  
2 clients who are not ambulatory;

3 D. feeding of clients who, because of their  
4 condition, are at risk of choking;

5 E. assistance with bowel and bladder control,  
6 devices, and training programs;

7 F. assistance with therapeutic or passive range of  
8 motion exercises;

9 G. providing skin care, including full or partial  
10 bathing and foot soaks; and

11 H. during episodes of serious disease or acute  
12 illness, providing services performed for a client or to assist  
13 a client to maintain the hygiene of the client's body and  
14 immediate environment, to satisfy nutritional needs, and to  
15 assist with the client's mobility, including movement, change of  
16 location, and positioning, and bathing, oral hygiene, dressing,  
17 hair care, toileting, bedding changes, basic housekeeping, and  
18 meal preparation. Oral hygiene means care of teeth, gums, and  
19 oral prosthetic devices.

20 Subp. 2. **Administration of medications.** A person who  
21 satisfies the requirements of subpart 5 may administer  
22 medications, whether oral, suppository, eye drops, ear drops,  
23 inhalant, topical, or administered through a gastrostomy tube,  
24 if:

25 A. the medications are regularly scheduled;

26 B. in the case of pro re nata medications, the  
27 administration of the medication is reported to a registered  
28 nurse either:

29 (1) within 24 hours after its administration; or

30 (2) within a time period that is specified by a  
31 registered nurse prior to the administration;

32 C. prior to the administration, the person is  
33 instructed by a registered nurse in the procedures to administer  
34 the medications to each client;

35 D. a registered nurse specifies, in writing, and  
36 documents in the clients' records, the procedures to administer

1 the medications; and

2 E. prior to the administration, the person  
3 demonstrates to a registered nurse the person's ability to  
4 competently follow the procedure.

5 For purposes of this subpart, "pro re nata medication,"  
6 commonly called p.r.n. medication, means a medication that is  
7 ordered to be administered to or taken by a client as necessary.

8 Subp. 3. **Limitations on administering medications.** A  
9 person who administers medications under subpart 2 may not  
10 inject medications into veins, muscle, or skin.

11 Subp. 4. **Performance of routine procedures.** A person who  
12 satisfies the requirements of subpart 5 may perform delegated  
13 medical or nursing and assigned therapy procedures, if:

14 A. prior to performing the procedures, the person is  
15 instructed by a registered nurse or therapist, respectively, in  
16 the proper methods to perform the procedures with respect to  
17 each client;

18 B. a registered nurse or therapist, respectively,  
19 specifies, in writing, specific instructions for performing the  
20 procedures for each client;

21 C. prior to performing the procedures, the person  
22 demonstrates to a registered nurse or therapist, respectively,  
23 the person's ability to competently follow the procedures; and

24 D. the procedures for each client are documented in  
25 the clients' records.

26 Subp. 5. **Qualifications for persons who perform home**  
27 **health aide tasks.** No A person may only offer or perform home  
28 health aide tasks, or be employed to perform home health aide  
29 tasks, unless if the person has:

30 A. successfully completed the training and passed the  
31 competency evaluation required by part 4668.0130, subpart 1;

32 B. passed the competency evaluation required by part  
33 4668.0130, subpart 3;

34 C. successfully completed training in another  
35 jurisdiction substantially equivalent to that required by item  
36 A;

1 D. satisfied the requirements of Medicare for  
2 training or competency of home health aides, as provided by Code  
3 of Federal Regulations, title 42, section 484.36;

4 E. satisfied subitems (1) and (2):

5 (1) meets the requirements of title XVIII of the  
6 Social Security Act for nursing assistants in nursing facilities  
7 certified for participation in the Medicare program, or has  
8 successfully completed a nursing assistant training program  
9 approved by the state; and

10 (2) has had at least 20 hours of supervised  
11 practical training or experience performing home health aide  
12 tasks in a home setting under the supervision of a registered  
13 nurse, or completes the supervised practical training or  
14 experience within one month after beginning work performing home  
15 health aide tasks, except that a class C licensee must have  
16 completed this supervised training or experience before a  
17 license will be issued; or

18 F. before the effective date of this chapter,  
19 completed a training course of at least 60 hours for home health  
20 aides that had been approved by the department.

21 **Subp. 6. In-service training and demonstration of**  
22 **competence.** For each person who performs home health aide  
23 tasks, the licensee must comply with items A to C.

24 A. For each 12 months of employment, each person who  
25 performs home health aide tasks shall complete at least eight  
26 hours of in-service training in topics relevant to the provision  
27 of home care services, including that required by part  
28 4668.0065, subpart 3, obtained from the licensee or another  
29 source.

30 B. Licensees shall retain documentation of satisfying  
31 this part and shall provide documentation to persons who have  
32 completed the in-service training.

33 C. If a person has not performed home health aide  
34 tasks for a continuous period of 24 consecutive months, the  
35 person must demonstrate to a registered nurse competence in the  
36 skills listed in part 4668.0130, subpart 3, item A, subitem (1).

1 Subp. 7. Documentation. Class A and class D licensees  
2 shall verify that persons employed or contracted by the  
3 licensees to perform home health aide tasks have satisfied the  
4 requirements of this part and shall retain documentation in the  
5 personnel records. Persons who perform home health aide tasks  
6 must provide documentation to the employing or contracting  
7 licensees of satisfying this part. Class C licensees shall  
8 retain documentation of satisfying this part.

9 Subp. 8. Initiation of home health aide tasks. Prior to  
10 the initiation of home health aide tasks, a registered nurse or  
11 therapist shall orient each person who is to perform home health  
12 aide tasks to each client and to the tasks to be performed.

13 Subp. 9. Periodic supervision of home health aide tasks.  
14 After the orientation required by subpart 8, a therapist or a  
15 registered nurse shall supervise, or a licensed practical nurse,  
16 under the direction of a registered nurse, shall monitor persons  
17 who perform home health aide tasks at the client's residence to  
18 verify that the work is being performed adequately, to identify  
19 problems, and to assess the appropriateness of the care to the  
20 client's needs. This supervision or monitoring must be provided  
21 no less often than the following schedule:

22 A. within 14 days after initiation of home health  
23 aide tasks; and

24 B. every 14 days thereafter, or more frequently if  
25 indicated by a clinical assessment, for home health aide tasks  
26 described in subparts 2 to 4; or

27 C. every 60 days thereafter, or more frequently if  
28 indicated by a clinical assessment, for all home health aide  
29 tasks other than those described in subparts 2 to 4.

30 If monitored by a licensed practical nurse, the client must  
31 be supervised at the residence by a registered nurse at least  
32 every other visit, and the licensed practical nurse must be  
33 under the direction of a registered nurse, according to  
34 Minnesota Statutes, sections 148.171 to 148.285.

35 4668.0110 HOME CARE AIDE TASKS.

1 Subpart 1. Home care aide tasks. For a class B, C, or E  
2 licensee, only a person who satisfies the requirements of  
3 subpart 2 or part 4668.0100, subpart 5, may perform the  
4 following services for clients:

5 A. preparing modified diets, such as diabetic or low  
6 sodium diets;

7 B. reminding clients to take regularly scheduled  
8 medications or perform exercises;

9 C. household chores in the presence of technically  
10 sophisticated medical equipment or episodes of acute illness or  
11 infectious disease;

12 D. household chores when the client's care requires  
13 the prevention of exposure to infectious disease or containment  
14 of infectious disease; and

15 E. assisting with dressing, oral hygiene, hair care,  
16 grooming, and bathing, if the client is ambulatory, and if the  
17 client has no serious acute illness or infectious disease. Oral  
18 hygiene means care of teeth, gums, and oral prosthetic devices.

19 Subp. 2. Qualifications for persons who perform home care  
20 aide tasks. No person may offer or perform home care aide  
21 tasks, or be employed to perform home care aide tasks, unless  
22 the person has:

23 A. successfully completed training and passed the  
24 competency evaluation required by part 4668.0130, subpart 1;

25 B. passed the competency evaluation required by part  
26 4668.0130, subpart 3;

27 C. successfully completed training in another  
28 jurisdiction comparable to that required by item A; or

29 D. satisfied the requirements of part 4668.0100.

30 Subp. 3. Documentation. Class B and class E licensees  
31 shall verify that the persons employed or contracted by the  
32 licensees to perform home care aide tasks have satisfied the  
33 requirements of this part and shall retain documentation in the  
34 personnel records. Persons who perform home care aide tasks  
35 must provide documentation to the employing or contracting  
36 licensees of satisfying this part. Class C licensees shall

1 retain documentation of satisfying this part.

2 Subp. 4. In-service training. For each person who  
3 performs home care aide tasks, the licensee must comply with  
4 items A to C.

5 A. For each 12 months of employment, each person who  
6 performs home care aide tasks must complete at least six hours  
7 of in-service training in topics relevant to the provision of  
8 home care services, including that required by part 4668.0065,  
9 subpart 3, obtained from the licensee or another source.

10 B. Licensees shall retain documentation of satisfying  
11 this part and shall provide documentation to persons who have  
12 completed the in-service training.

13 Subp. 5. Class B supervision. A class B licensee must  
14 have a registered nurse supervise or a licensed practical nurse  
15 monitor a person who provides home care aide tasks under this  
16 part no less often than the following schedule:

17 A. within 14 days after initiation of home care aide  
18 tasks; and

19 B. every 60 days thereafter, or more frequently if  
20 indicated by a clinical assessment.

21 If monitored by a licensed practical nurse, the client must  
22 be supervised at the residence by a registered nurse at least  
23 every other visit, and the licensed practical nurse must be  
24 under the direction of a registered nurse, according to  
25 Minnesota Statutes, sections 148.171 to 148.285.

26 Subp. 6. Class E visits. A class E licensee must visit  
27 the resident client and observe the provision of home care  
28 services every 60 days after initiation of home care aide tasks  
29 to verify that the work is being performed adequately and to  
30 identify problems.

31 4668.0120 HOME MANAGEMENT TASKS.

32 Subpart 1. Home management tasks. Any person may perform  
33 services that are not listed in part 4668.0100, subpart 1, or  
34 part 4668.0110, subpart 1, including housekeeping, meal  
35 preparation, and shopping.

1 Subp. 2. Training of persons who perform home management  
 2 tasks. Except for the orientation training required by  
 3 Minnesota Statutes, section 144A.461, no training is required of  
 4 persons who perform home management tasks.

5 4668.0130 TRAINING AND COMPETENCY EVALUATION FOR PERSONS WHO  
 6 PERFORM HOME HEALTH AIDE AND HOME CARE AIDE TASKS.

7 Subpart 1. Scope of training course and instructor. The  
 8 training required by part 4668.0100, subpart 5, and by part  
 9 4668.0110, subpart 2, must:

- 10 A. include the topics and course requirements  
 11 specified in subpart 2 and use a curriculum approved by the  
 12 commissioner;
- 13 B. be taught by a registered nurse with experience or  
 14 training in home care, except that specific topics required by  
 15 subpart 2 may be taught by another instructor in conjunction  
 16 with the registered nurse; and
- 17 C. include a competency evaluation required by  
 18 subpart 3.

19 Subp. 2. Curriculum. The training required in part  
 20 4668.0100, subpart 5 for home health aide tasks must contain the  
 21 topics described in items A to N, and must contain no less than  
 22 75 hours of classroom and laboratory instruction. The training  
 23 required in part 4668.0110, subpart 2 for home care aide tasks,  
 24 must contain the topics described in items A to G, and must  
 25 contain no less than 24 hours of classroom and laboratory  
 26 instruction. The required topics are:

- 27 A. those topics required in the orientation training  
 28 required by part 4668.0075;
- 29 B. observation, reporting, and documentation of  
 30 client status and of the care or services provided;
- 31 C. basic infection control;
- 32 D. maintenance of a clean, safe, and healthy  
 33 environment;
- 34 E. medication reminders;
- 35 F. appropriate and safe techniques in personal



1 hygiene and grooming, including bathing and skin care, the care  
2 of teeth, gums, and oral prosthetic devices, and assisting with  
3 toileting;

4 G. adequate nutrition and fluid intake including  
5 basic meal preparation and special diets;

6 H. communication skills;

7 I. reading and recording temperature, pulse, and  
8 respiration;

9 J. basic elements of body functioning and changes in  
10 body function that must be reported to an appropriate health  
11 care professional;

12 K. recognition of and handling emergencies;

13 L. physical, emotional, and developmental needs of  
14 clients, and ways to work with clients who have problems in  
15 these areas, including respect for the client, the client's  
16 property, and the client's family;

17 M. safe transfer techniques and ambulation; and

18 N. range of motion and positioning.

19 Subp. 3. **Competency evaluation.** The competency evaluation  
20 tests must be approved by the commissioner.

21 A. To qualify to perform home health aide tasks, the  
22 person must pass the following:

23 (1) a practical skill test, administered by a  
24 registered nurse, that tests the subjects described in subpart  
25 2, items E, F, I, M, and N; and

26 (2) a written, oral, or practical test of the  
27 topics listed in subpart 2, items A to D, G, H, and J to L.

28 B. To qualify to perform home care aide tasks, the  
29 person must pass the competency evaluation for home health aide  
30 tasks, or the following:

31 (1) a practical skill test, administered by a  
32 registered nurse, that tests the subjects described in subpart  
33 2, items E and F; and

34 (2) a written, oral, or practical test of the  
35 topics in subpart 2, items A to D and G.

36 Subpart 4. **Evidence of qualifications.** A licensee that

1 provides the training and the competency evaluation required by  
2 this part shall provide each person who completes the training  
3 or passes the competency evaluation with written certification  
4 of satisfying this part.

5 4668.0140 SERVICE AGREEMENTS.

6 Subpart 1. Service agreements. No later than the second  
7 visit to a client, a licensee shall enter into a written service  
8 agreement with the client or the client's responsible person.  
9 Any modifications of the service agreement must be in writing  
10 and ~~be signed~~ agreed to by the client or the client's  
11 responsible person ~~no later than the next visit to the client.~~

12 Subp. 2. Contents of service agreement. The service  
13 agreement required by subpart 1 must include:

14 A. a description of the services to be provided, and  
15 their frequency;

16 B. identification of the persons or categories of  
17 persons who are to provide the services;

18 C. the schedule or frequency of sessions of  
19 supervision or monitoring required, if any;

20 D. fees for services;

21 E. a plan for contingency action that includes:

22 (1) the action to be taken by the licensee,  
23 client, and responsible persons, if scheduled services cannot be  
24 provided;

25 (2) the method for a client or responsible person  
26 to contact a representative of the licensee whenever staff are  
27 providing services;

28 (3) who to contact in case of an emergency or  
29 significant adverse change in the client's condition;

30 (4) the method for the licensee to contact a  
31 responsible person of the client, if any; and

32 (5) circumstances in which emergency medical  
33 services are not to be summoned, consistent with the Adult  
34 Health Care Decisions Act, Minnesota Statutes, chapter 145B, and  
35 declarations made by the client under that act.

1 Class C licensees need not comply with items B and C and  
2 this item, subitems (2) and (5). Subitems (3) and (5) are not  
3 required for clients receiving only home management services.

4 4668.0150 MEDICATION AND TREATMENT ORDERS.

5 Subpart 1. **Scope.** This part applies to medications and  
6 treatments that are ordered by a physician, osteopath, dentist,  
7 podiatrist, chiropractor, or other prescriber to be administered  
8 by the licensee.

9 Subp. 2. **Medication and treatment orders.** Medications and  
10 treatments must be administered by a nurse or therapist  
11 qualified to perform the order or by a person who performs home  
12 health aide tasks under the direction and supervision of the  
13 nurse or therapist consistent with part 4668.0100, subparts 2 to  
14 4.

15 Subp. 3. **Authorizations.** All orders for medications and  
16 treatments must be dated and signed by the prescriber, except as  
17 provided by subpart 5.

18 Subp. 4. **Content of orders.** All orders for medications  
19 must contain the name of the drug, dosage, and directions for  
20 use.

21 Subp. 5. **Verbal orders.** Upon receiving an order verbally  
22 from a prescriber, the nurse or therapist shall:

23 A. record and sign the order; and

24 B. forward the written order to the prescriber for  
25 the prescriber's signature no later than seven days after  
26 receipt of the verbal order.

27 Subp. 6. **Renewal of orders.** All orders must be renewed at  
28 least every three months.

29 4668.0160 CLIENT RECORDS.

30 Subpart 1. **Maintenance of client record.** The licensee  
31 shall maintain a record for each client.

32 Subp. 2. **Security.** The licensee shall establish written  
33 procedures to control use and removal of client records from the  
34 provider's offices and for security in client residences and to  
35 establish criteria for release of information. The client

1 record must be readily accessible to personnel authorized by the  
2 licensee to use the client record.

3 Subp. 3. **Retention.** A client's record must be retained  
4 for at least five years following discharge. Arrangements must  
5 be made for secure storage and retrieval of client records if  
6 the licensee ceases business.

7 Subp. 4. **Transfer of client.** If a client transfers to  
8 another home care provider, other health care practitioner or  
9 provider, or is admitted to an inpatient facility, the licensee,  
10 upon request of the client, shall send a copy or summary of the  
11 client's record to the new provider or facility or to the client.

12 Subp. 5. **Form of entries.** All entries in the client  
13 record must be:

14 A. legible, permanently recorded in ink, dated, and  
15 authenticated with the name and title of the person making the  
16 entry; or

17 B. recorded in an electronic media in a secure manner.

18 Subp. 6. **Content of client record.** The client record must  
19 contain:

20 A. the following information about the client:

21 (1) name;

22 (2) address;

23 (3) telephone number;

24 (4) date of birth;

25 (5) dates of the beginning and end of services;

26 and

27 (6) names, addresses, and telephone numbers of  
28 any responsible persons;

29 B. a service agreement as required by part 4668.0140;

30 C. medication and treatment orders, if any;

31 D. notes summarizing each contact with the client in  
32 the client's residence, signed by each individual providing  
33 service including volunteers, and entered in the record no later  
34 than two weeks after the contact;

35 E. names, addresses, and telephone numbers of the  
36 client's medical services providers and other home care

1 providers, if known;

2 F. a summary following the termination of services,  
3 which includes the reason for the initiation and termination of  
4 services, and the client's condition at the termination of  
5 services.

6 Class C licensees need only include the information  
7 required by items A, B, and E. Class E licensees need only  
8 include the information required by items A, B, D, and E.

9 Subp. 7. **Confidentiality.** The licensee shall not disclose  
10 to any other person any personal, financial, medical, or other  
11 information about the client, except:

12 A. as may be required by law;

13 B. to staff ~~or~~, contractors of the licensee, another  
14 home care provider, other health care practitioner or provider,  
15 or inpatient facility who require information in order to  
16 provide services to the client, but only such information that  
17 is necessary to the provision of services;

18 C. to persons authorized in writing by the client or  
19 the client's responsible person to receive the information,  
20 including third-party payers; and

21 D. representatives of the commissioner authorized to  
22 survey or investigate home care providers.

23 4668.0170 REQUEST BY CLIENT FOR DISCONTINUATION OF LIFE  
24 SUSTAINING TREATMENT.

25 Subpart 1. **Action by person receiving request.** If a  
26 client, family member, or other caregiver of the client requests  
27 that an employee or other agent of the licensee discontinue a  
28 life sustaining treatment, the employee or other agent of the  
29 licensee receiving the request:

30 A. shall take no action to discontinue the treatment;  
31 and

32 B. shall promptly inform the person's supervisor or  
33 other representative of the licensee of the client's request.

34 Subp. 2. **Action by licensee.** Upon being informed of a  
35 request for termination of treatment, the licensee shall

1 promptly:

2           A. inform the client that the request will be made  
3 known to the physician who ordered the client's treatment; and

4           B. inform the physician of the client's request.

5           Subp. 3. **Right to maintain treatment.** This part does not  
6 require the licensee to discontinue treatment, except as may be  
7 required by law or court order.

8           Subp. 4. **Rights of clients.** This part does not diminish  
9 the rights of clients to control their treatments or terminate  
10 their relationships with providers.

11           Subp. 5. **Health care declarations.** This part shall be  
12 construed in a manner consistent with the Adult Health Care  
13 Decisions Act, Minnesota Statutes, chapter 145B, and  
14 declarations made by clients under that act.

15 4668.0180 CLASS A PROVIDER, PROFESSIONAL HOME CARE AGENCY.

16           Subpart 1. **Scope.** This part applies only to a  
17 professional home care agency with a class A license under part  
18 4668.0012, subpart 3.

19           Subp. 2. **Required services.** The licensee shall provide at  
20 least one of the following home care services directly:

21           A. professional nursing;

22           B. physical therapy;

23           C. speech therapy;

24           D. respiratory therapy;

25           E. occupational therapy;

26           F. nutritional services;

27           G. medical social services;

28           H. home health aide tasks; or

29           I. provision of medical supplies and equipment when  
30 accompanied by the provision of a home care service.

31           Subp. 3. **Scope of services.** The licensee may provide all  
32 home care services, except that the licensee may provide a  
33 hospice program only if licensed as a hospice program under part  
34 4668.0012, subpart 3, as provided by Minnesota Statutes, section  
35 144A.48, subdivision 5.

1           Subp. 4. **Medical social services.** If provided, medical  
2 social services must be provided in compliance with Minnesota  
3 Statutes, sections 148B.18 to 148B.28.

4           Subp. 5. **Nursing services.** If provided, nursing services  
5 must be provided according to Minnesota Statutes, sections  
6 148.171 to 148.285.

7           Subp. 6. **Physical therapy.** If provided, physical therapy  
8 must be provided according to Minnesota Statutes, sections  
9 148.65 to 148.78.

10          Subp. 7. **Other services.** Other services not addressed in  
11 this chapter may be provided.

12          Subp. 8. **Referrals.** If a licensee reasonably believes  
13 that a client is in need of another medical or health service,  
14 including that of a physician, osteopath, dentist, podiatrist,  
15 chiropractor, other health professional, or social service  
16 provider, the licensee shall:

17           A. inform the client of the possible need;

18           B. determine the client's preferences with respect to  
19 obtaining the service; and

20           C. if the client desires the service, inform the  
21 client about available providers or referral services.

22          Subp. 9. **Quality assurance.** The licensee shall establish  
23 and implement a quality assurance plan, described in writing, in  
24 which the licensee must:

25           A. monitor and evaluate two or more selected  
26 components of its services at least once every 12 months; and

27           B. document the collection and analysis of data and  
28 the action taken as a result.

29          Subp. 10. **Equivalent requirements for certified**  
30 **providers.** A class A licensee that is certified for  
31 participation in Medicare as a home health agency under Code of  
32 Federal Regulations, title 42, part 484, need not comply with  
33 this part, or with the following items, if the Medicare  
34 certification is based on compliance with the federal conditions  
35 of participation, and on survey and enforcement by the Minnesota  
36 Department of Health as agent for the United States Department

- 1 of Health and Human Services:
- 2           A. part 4668.0040;
- 3           B. part 4668.0050;
- 4           C. part 4668.0060, subparts 1, 2, 3, ~~4~~ and ~~7~~ 6;
- 5           D. part 4668.0070, subparts 2 and 3;
- 6           E. part 4668.0080, subparts 1 and 2;
- 7           F. part 4668.0100, subparts 1 and 4 to 9;
- 8           G. part 4668.0110;
- 9           H. part 4668.0130;
- 10          I. part 4668.0140, subparts 1 and 2, items A to D;
- 11          J. part 4668.0150;
- 12          K. part 4668.0160;
- 13          L. part 4668.0180, subparts 1 to 9.

14 4668.0190 CLASS B PROVIDER, PARAPROFESSIONAL AGENCY.

15           A paraprofessional agency with a class B license under part  
16 4668.0012, subpart 3, may perform home care aide tasks and home  
17 management tasks.

18 4668.0200 CLASS C PROVIDER, INDIVIDUAL PARAPROFESSIONALS.

19           Subpart 1. **Scope.** This part applies only to a  
20 paraprofessional with a class C license under part 4668.0012,  
21 subpart 3.

22           Subp. 2. **Services.** The licensee may perform:

- 23           A. home health aide tasks;
- 24           B. home care aide tasks; and
- 25           C. home management tasks.

26           Subp. 3. **Training.** The licensee who performs home health  
27 aide tasks or home care aide tasks must meet the requirements of  
28 part 4668.0130 before a license will be issued.

29           Subp. 4. **Record of supervision.** The licensee who performs  
30 home health aide tasks must maintain a record of the supervision  
31 required by part 4668.0100, subpart 9.

32           Subp. 5. **Records.** The licensee must maintain a written  
33 record of the services provided at each visit to clients.

34           Subp. 6. **Notice of clientele.** Upon request of the  
35 commissioner, class C licensees shall provide the name, address,



1 and telephone numbers of all or specified clients and the  
2 clients' responsible persons.

3 4668.0210 CLASS D PROVIDER, HOSPICE PROGRAM.

4 Subpart 1. **Scope.** This part implements Minnesota  
5 Statutes, section 144A.48. This part applies only to a hospice  
6 program holding a class D license under part 4668.0012, subpart  
7 3, and must be read together with Minnesota Statutes, section  
8 144A.48.

9 Subp. 2. **Required services and programs.** A licensee must  
10 provide the services and programs required by Minnesota  
11 Statutes, section 144A.48, subdivision 2, subject to this part.

12 Subp. 3. **Core services.** The core services, as required by  
13 Minnesota Statutes, section 144A.48, subdivision 2, clause (1),  
14 and as defined by Minnesota Statutes, section 144A.48,  
15 subdivision 1, paragraph (1), may be provided directly by the  
16 licensee, through contracts between the licensee and other  
17 providers, or through other arrangements between the licensee  
18 and other providers. Contracts or other arrangements must be  
19 described in writing, and must include the other providers'  
20 names, addresses, telephone numbers, contact persons, and the  
21 types of services to be provided.

22 Subp. 4. **Hospice program director.** The licensee shall  
23 designate an individual or individuals who shall have defined  
24 lines of responsibility and authority and who are responsible  
25 for the overall management of the hospice program.

26 Subp. 5. **Medical director.** The licensee shall have a  
27 medical director, who may be an employee, a contractor, or may  
28 serve as a volunteer. The medical director must:

29 A. be a physician currently licensed in Minnesota;  
30 and

31 B. have experience or training in hospice program  
32 services or in the palliative treatment of terminal illnesses.

33 Subp. 6. **Policies of medical director.** The licensee shall  
34 establish in writing the medical director's responsibilities,  
35 and the procedures necessary to implement the licensee's

1 policies and this chapter concerning medical care. These  
2 policies and procedures must be provided to the medical director  
3 if the medical director is an employee or volunteer of the  
4 licensee. If the medical director is a contractor, these  
5 policies and procedures must be incorporated into a written  
6 contract.

7 Subp. 7. **Responsibilities of medical director.** The  
8 medical director:

9 A. shall direct the medical components of the hospice  
10 program;

11 B. shall provide consultation to the  
12 interdisciplinary teams, hospice program management, and staff;  
13 and

14 C. may, with a client's consent, provide medical  
15 services to the client.

16 Subp. 8. **Attending physician.** The palliative medical care  
17 provided to the client must be established in the plan of care  
18 after consultation with a physician designated by the client as  
19 the client's attending physician.

20 Subp. 9. **Composition of interdisciplinary team.** The  
21 licensee shall establish an interdisciplinary team appropriate  
22 to each client. Each team must consist of individuals who  
23 represent each provider of core services to that team's client.

24 Subp. 10. **Duties of interdisciplinary team.** The  
25 interdisciplinary team required by subpart 9 shall:

26 A. establish a plan of care for the team's client;  
27 and

28 B. review and evaluate the client's plan of care as  
29 often as is appropriate to the client.

30 Subp. 11. **Orientation of the interdisciplinary teams.**

31 Each member of each interdisciplinary team must be oriented to  
32 the physical, spiritual, and psychosocial aspects of hospice  
33 care.

34 Subp. 12. **Accessibility.** The licensee must provide a  
35 mechanism for clients or other providers to reach a designated  
36 contact person at all times, in case of emergencies or crises.

1 Subp. 13. **Quality assurance.** The licensee must establish  
2 and implement a quality assurance plan, described in writing, in  
3 which the licensee must:

4 A. monitor and evaluate two or more selected  
5 components of hospice care services at least once every 12  
6 months, including those provided in the home and in inpatient  
7 facilities; and

8 B. document the collection and analysis of data and  
9 the action taken as a result.

10 Subp. 14. **Volunteer services.** If the licensee provides  
11 services through the use of volunteers, it shall comply with  
12 subparts 15 to 19.

13 Subp. 15. **Volunteer training.** All volunteers who will  
14 provide services directly to clients of the licensee must  
15 complete a training course before providing any services. The  
16 training course may be combined with other training and must  
17 include the following topics:

18 A. the orientation required by part 4668.0075;

19 B. confidentiality of client records and  
20 communications between clients and licensee staff;

21 C. goals and services of hospice care; and

22 D. record keeping.

23 Subp. 16. **Documentation of training.** The training  
24 required by subpart 15 must be documented by attendance records.

25 Subp. 17. **In-service training for volunteers.** The  
26 licensee shall make available to volunteers an in-service  
27 training program at least every three months. The in-service  
28 for volunteers may be provided in conjunction with in-service  
29 programs for employees.

30 Subp. 18. **Paraprofessional tasks by volunteers.** Except as  
31 provided by subpart 19, volunteers who perform home health aide  
32 tasks or home care aide tasks must meet the requirements of  
33 parts 4668.0100 and 4668.0110.

34 Subp. 19. **Incidental paraprofessional tasks by volunteers.**  
35 Volunteers who have not met the qualifications under part  
36 4668.0100, subpart 5, or 4668.0110, subpart 2, may perform home

1 care aide tasks if the tasks are performed incidentally to the  
2 provision of other services, and are not performed as a regular  
3 part of the volunteer services.

4 Subp. 20. Bereavement services. The licensee shall offer  
5 bereavement services to the client's family after the client's  
6 death. For purposes of this subpart, "family" includes persons  
7 related to the client or close significant others.

8 Subp. 21. Inpatient services. The licensee shall provide  
9 inpatient services directly or shall arrange with one or more  
10 hospitals or nursing homes to provide inpatient services to the  
11 licensee's clients. If the arrangements are not subject to a  
12 contract, the licensee shall establish in writing the services  
13 that will be provided by the inpatient facility, the  
14 circumstances under which they are to be provided, and the  
15 procedures that will be followed in admitting and discharging  
16 clients.

17 Subp. 22. Equivalent requirements for certified  
18 providers. A class D licensee that is certified for  
19 participation in Medicare as a hospice program under Code of  
20 Federal Regulations, title 42, part 418, need not comply with  
21 subparts 1 to 10, 12, 13, 15 to 17, 20, and 21, if the Medicare  
22 certification is based on compliance with the federal conditions  
23 of participation, and on survey and enforcement by the Minnesota  
24 Department of Health as agent for the United States Department  
25 of Health and Human Services.

26 4668.0215 CLASS E PROVIDER, ASSISTED LIVING SERVICES.

27 Subpart 1. Scope. This part applies only to an assisted  
28 living service holding a class E license.

29 Subp. 2. Services. Class E licensees may provide assisted  
30 living services.

31 4668.0218 INFORMATION AND REFERRAL SERVICES.

32 The commissioner shall request from licensees information  
33 necessary to establish and maintain information and referral  
34 services required by Minnesota Statutes, section 144A.47, and  
35 licensees shall provide the requested information. This

1 information may be required to be provided together with the  
2 licensing information required by part 4668.0012, or may be  
3 required to be provided separately.

4 4668.0220 SURVEYS AND INVESTIGATIONS.

5 Subpart 1. **Surveys.** Except as provided in subpart 3 or  
6 10, the commissioner may survey each applicant or licensee  
7 before issuing a new license or renewing an existing license.  
8 An applicant for a license that is certified and surveyed by the  
9 Minnesota Department of Health for Medicare or medical  
10 assistance shall be surveyed at the time of its next  
11 certification survey. Applicants and licensees shall provide  
12 any and all information requested by the surveyor or  
13 investigator that is within the scope of licensure.

14 Subp. 2. **Coordination of surveys.** If feasible, the  
15 commissioner shall survey licensees to determine compliance with  
16 this chapter at the same time as surveys for certification for  
17 Medicare and medical assistance if Medicare certification is  
18 based on compliance with the federal conditions of participation  
19 and on survey and enforcement by the Minnesota Department of  
20 Health as agent for the United States Department of Health and  
21 Human Services.

22 Subp. 3. **Biennial surveys.** A licensee that has been  
23 licensed for at least two consecutive years and that has been in  
24 substantial compliance with this chapter and Minnesota Statutes,  
25 sections 144A.43 to 144A.49, and has had no serious violations  
26 in that period, may be surveyed every second license term rather  
27 than during each license term.

28 Subp. 4. **Complaint investigations.** Upon receiving  
29 information that a licensee may be violating or may have  
30 violated a requirement of this chapter or Minnesota Statutes,  
31 sections 144A.43 to 144A.48, the commissioner shall investigate  
32 the complaint.

33 Subp. 5. **Scheduling surveys.** Surveys and investigations  
34 shall be conducted without advance notice to licensees.  
35 Surveyors may contact licensees on the day of a survey to

1 arrange for someone to be available at the survey site. The  
2 contact does not constitute advance notice.

3       **Subp. 6. Contacting and visiting clients.** Surveyors may  
4 contact or visit a licensee's clients without notice to the  
5 licensee. Licensees shall provide a list of current and past  
6 clients and responsible persons with addresses and telephone  
7 numbers upon request of a surveyor. Before visiting a client, a  
8 surveyor shall obtain the client's or responsible person's  
9 permission by telephone, by mail, or in person. Surveyors shall  
10 inform all clients and responsible persons of their right to  
11 decline permission for a visit.

12       **Subp. 7. Information from clients.** The commissioner may  
13 solicit information from clients by telephone, mail, or other  
14 means.

15       **Subp. 8. Client information.** Upon the commissioner's  
16 request, licensees shall provide to the commissioner information  
17 identifying some or all of its clients and any other information  
18 about the licensee's services to the clients.

19       **Subp. 9. Sampling of clientele.** The commissioner may  
20 conduct a written survey of all or a sampling of home care  
21 clients to determine their satisfaction with the services  
22 provided.

23       **Subp. 10. Surveys of class C licensees.** The commissioner  
24 may survey class C licensees by telephoning, visiting, or  
25 writing to the licensees' clients. Office visits may be  
26 conducted, but are not required.

27 4668.0230 FINES FOR UNCORRECTED VIOLATIONS.

28       **Subpart 1. Authority.** The fines provided under this part  
29 are under the authority of Minnesota Statutes, sections 144A.45,  
30 subdivision 2, clause (4), and 144.653, subdivision 6.

31       **Subp. 2. Fines for license classes.** Class A, class B,  
32 class D, and class E licensees shall be assessed fines at 100  
33 percent of the amounts provided in subpart 3. Class C licensees  
34 shall be assessed fines at 25 percent of the amounts provided in  
35 subpart 3.

1           Subp. 3. Schedule of fines for violations of statutory  
2 provisions. For each violation of a statutory provision subject  
3 to a fine under Minnesota Statutes, section 144.653, subdivision  
4 6, the following fines shall be assessed for the respective  
5 provision that was violated in Minnesota Statutes:

- 6           A. section 144A.44, subdivision 1, clause (1), \$250;
- 7           B. section 144A.44, subdivision 1, clause (2), \$250;
- 8           C. section 144A.44, subdivision 1, clause (3), \$50;
- 9           D. section 144A.44, subdivision 1, clause (4), \$350;
- 10          E. section 144A.44, subdivision 1, clause (5), \$250;
- 11          F. section 144A.44, subdivision 1, clause (6), \$250;
- 12          G. section 144A.44, subdivision 1, clause (7), \$50;
- 13          H. section 144A.44, subdivision 1, clause (8), \$250;
- 14          I. section 144A.44, subdivision 1, clause (9), \$250;
- 15          J. section 144A.44, subdivision 1, clause (10), \$250;
- 16          K. section 144A.44, subdivision 1, clause (11), \$350;
- 17          L. section 144A.44, subdivision 1, clause (12), \$250;
- 18          M. section 144A.44, subdivision 1, clause (13), \$500;
- 19          N. section 144A.44, subdivision 1, clause (14), \$250;
- 20          O. section 144A.44, subdivision 1, clause (15), \$350;
- 21          P. section 144A.44, subdivision 1, clause (16), \$250;
- 22          Q. section 144A.44, subdivision 1, clause (17), \$500;
- 23          R. section 144A.44, subdivision 2, \$250;
- 24          S. section 144A.48, subdivision 2, clause (1), \$100;
- 25          T. section 144A.48, subdivision 2, clause (2), \$300;
- 26          U. section 144A.48, subdivision 2, clause (3), \$350;
- 27          V. section 144A.48, subdivision 2, clause (4), \$350;
- 28          W. section 144A.48, subdivision 2, clause (5), \$500;
- 29          X. section 144A.48, subdivision 2, clause (6), \$100;
- 30          Y. section 144A.48, subdivision 2, clause (7), \$300;
- 31          Z. section 144A.48, subdivision 2, clause (8), \$50;

32 and

- 33          AA. section 144A.48, subdivision 2, clause (9), \$500.

34           Subp. 4. Schedule of fines for violations of Vulnerable  
35 Adults Act. For each violation of a statutory provision subject  
36 to a fine under Minnesota Statutes, section 626.557, the

1 following fines shall be assessed:

- 2 A. subdivision 3, \$250;
- 3 B. subdivision 3a, \$100;
- 4 C. subdivision 4, \$250;
- 5 D. subdivision 9, \$250; and
- 6 E. subdivision 17, \$250.

7 Subp. 5. **Schedule of fines for violations of rules.** For  
8 each violation of a rule provision subject to a fine under  
9 Minnesota Statutes, section 144.653, subdivision 6, the  
10 following fines shall be assessed for the respective rule that  
11 was violated:

- 12 A. part 4668.0008, subpart 3, \$300;
- 13 B. for providing false information required by part  
14 4668.0012, subpart 6, \$500;
- 15 C. part 4668.0012, subpart 8, \$100;
- 16 D. part 4668.0012, subpart 17, \$50;
- 17 E. a variance, under part 4668.0016, subpart 8, the  
18 fine shall be the amount of the fine established for the rule  
19 that was varied;
- 20 F. part 4668.0019, \$250;
- 21 G. part 4668.0020, subpart 3, \$300;
- 22 H. part 4668.0020, subpart 8, \$300;
- 23 I. part 4668.0020, subpart 9, \$300;
- 24 J. part 4668.0020, subpart 10, \$300;
- 25 K. part 4668.0020, subpart 11, \$300;
- 26 L. part 4668.0020, subpart 13, \$300;
- 27 M. part 4668.0020, subpart 17, item A, \$300;
- 28 N. part 4668.0020, subpart 17, item B, \$100;
- 29 O. part 4668.0030, subpart 2, \$250;
- 30 P. part 4668.0030, subpart 3, \$50;
- 31 Q. part 4668.0030, subpart 4, \$50;
- 32 R. part 4668.0030, subpart 5, \$50;
- 33 S. part 4668.0030, subpart 6, \$50;
- 34 T. part 4668.0030, subpart 7, \$250;
- 35 U. part 4668.0035, subpart 1, \$250;
- 36 V. part 4668.0035, subpart 2, \$100;



- 1 W. part 4668.0035, subpart 3, \$100;
- 2 X. part 4668.0040, subpart 1, \$250;
- 3 Y. part 4668.0040, subpart 2, \$50;
- 4 Z. part 4668.0040, subpart 3, \$250;
- 5 AA. part 4668.0050, subpart 1, \$350;
- 6 BB. part 4668.0050, subpart 2, \$100;
- 7 ~~CC. part 4668.0060, subpart 1, \$350;~~
- 8 ~~DD. part 4668.0060, subpart 2, \$50;~~
- 9 ~~EE. DD. part 4668.0060, subpart 4, \$350;~~
- 10 ~~FF. EE. part 4668.0060, subpart 5, \$350;~~
- 11 ~~GG. FF. part 4668.0060, subpart 6, \$500;~~
- 12 ~~HH. GG. part 4668.0060, subpart 7, \$300;~~
- 13 ~~II. HH. part 4668.0065, subpart 1, \$500;~~
- 14 ~~JJ. II. part 4668.0065, subpart 2, \$500;~~
- 15 ~~KK. JJ. part 4668.0065, subpart 3, \$300;~~
- 16 ~~LL. KK. part 4668.0070, subpart 2, \$50;~~
- 17 ~~MM. LL. part 4668.0070, subpart 3, \$50;~~
- 18 ~~NN. MM. part 4668.0070, subpart 4, \$50;~~
- 19 ~~OO. NN. part 4668.0075, subpart 1, \$300;~~
- 20 ~~PP. OO. part 4668.0075, subpart 2, \$100;~~
- 21 ~~QQ. PP. part 4668.0075, subpart 4, \$50;~~
- 22 ~~RR. QQ. part 4668.0080, subpart 1, \$300;~~
- 23 ~~SS. RR. part 4668.0080, subpart 2, \$300;~~
- 24 ~~TT. SS. part 4668.0080, subpart 3, \$300;~~
- 25 ~~UU. TT. part 4668.0080, subpart 4, \$300;~~
- 26 ~~VV. UU. part 4668.0080, subpart 5, \$300;~~
- 27 ~~WW. VV. part 4668.0100, subpart 1, \$350;~~
- 28 ~~XX. WW. part 4668.0100, subpart 2, \$350;~~
- 29 ~~YY. XX. part 4668.0100, subpart 3, \$500;~~
- 30 ~~ZZ. YY. part 4668.0100, subpart 4, \$350;~~
- 31 ~~AAA. ZZ. part 4668.0100, subpart 5, \$300;~~
- 32 ~~BBB. AAA. part 4668.0100, subpart 6, \$300;~~
- 33 ~~CCC. BBB. part 4668.0100, subpart 7, \$50;~~
- 34 ~~DDD. CCC. part 4668.0100, subpart 8, \$350;~~
- 35 ~~EEE. DDD. part 4668.0100, subpart 9, \$350;~~
- 36 ~~FFF. EEE. part 4668.0110, subpart 1, \$350;~~

1           ~~GGG~~: FFF. part 4668.0110, subpart 2, \$300;  
 2           ~~HHH~~: GGG. part 4668.0110, subpart 3, \$50;  
 3           ~~HHH~~: HHH. part 4668.0110, subpart 4, \$300;  
 4           ~~JJJ~~: III. part 4668.0110, subpart 5, \$350;  
 5           ~~KKK~~: JJJ. part 4668.0110, subpart 6, \$350;  
 6           ~~BBB~~: KKK. part 4668.0120, subpart 2, \$50;  
 7           ~~MMM~~: LLL. part 4668.0130, subpart 1, \$300;  
 8           ~~NNN~~: MMM. part 4668.0130, subpart 2, \$300;  
 9           ~~OOO~~: NNN. part 4668.0130, subpart 3, \$300;  
 10          ~~PPP~~: OOO. part 4668.0130, subpart 4, \$50;  
 11          ~~QQQ~~: PPP. part 4668.0140, subpart 1, \$250;  
 12          ~~RRR~~: QQQ. part 4668.0140, subpart 2, \$50;  
 13          ~~SSS~~: RRR. part 4668.0150, subpart 2, \$350;  
 14          ~~TTT~~: SSS. part 4668.0150, subpart 3, \$350;  
 15          ~~UUU~~: TTT. part 4668.0150, subpart 4, \$350;  
 16          ~~VVV~~: UUU. part 4668.0150, subpart 5, \$350;  
 17          ~~WWW~~: VVV. part 4668.0150, subpart 6, \$350;  
 18          ~~XXX~~: WWW. part 4668.0160, subpart 1, \$100;  
 19          ~~YYY~~: XXX. part 4668.0160, subpart 2, \$100;  
 20          ~~ZZZ~~: YYY. part 4668.0160, subpart 3, \$50;  
 21          ~~AAAA~~: ZZZ. part 4668.0160, subpart 4, \$100;  
 22          ~~BBBB~~: AAAA. part 4668.0160, subpart 5, \$50;  
 23          ~~EEEE~~: BBBB. part 4668.0160, subpart 6, \$100;  
 24          ~~DDDD~~: CCCC. part 4668.0160, subpart 7, ~~\$250~~ \$350;  
 25          ~~EEEE~~: DDDD. part 4668.0170, subpart 1, \$500;  
 26          ~~FFFF~~: EEEE. part 4668.0170, subpart 2, \$500;  
 27          ~~GGGG~~: FFFF. part 4668.0180, subpart 3, \$500;  
 28          ~~HHHH~~: GGGG. part 4668.0180, subpart 4, \$300;  
 29          ~~HHHH~~: HHHH. part 4668.0180, subpart 5, \$300;  
 30          ~~IIII~~: IIII. part 4668.0180, subpart 6, \$300;  
 31          ~~JJJJ~~: JJJJ. part 4668.0180, subpart 8, \$200;  
 32          ~~BBBB~~: KKKK. part 4668.0180, subpart 9, \$100;  
 33          ~~MMMM~~: LLLL. part 4668.0190, \$500;  
 34          ~~NNNN~~: MMMM. part 4668.0200, subpart 2, \$500;  
 35          ~~OOOO~~: NNNN. part 4668.0200, subpart 4, \$100;  
 36          ~~PPPP~~: OOOO. part 4668.0200, subpart 5, \$50;

- 1           ~~QQQQ~~: PPPP. part 4668.0200, subpart 6, \$500;
- 2           ~~RRRR~~: QQQQ. part 4668.0210, subpart 3, \$100;
- 3           ~~SSSS~~: RRRR. part 4668.0210, subpart 4, \$100;
- 4           ~~TTTT~~: SSSS. part 4668.0210, subpart 5, \$100;
- 5           ~~UUUU~~: TTTT. part 4668.0210, subpart 6, \$100;
- 6           ~~VVVV~~: UUUU. part 4668.0210, subpart 7, \$100;
- 7           ~~WWWW~~: VVVV. part 4668.0210, subpart 8, \$350;
- 8           ~~XXXX~~: WWWW. part 4668.0210, subpart 9, \$300;
- 9           ~~YYYY~~: XXXX. part 4668.0210, subpart 10, \$300;
- 10          ~~ZZZZ~~: YYYY. part 4668.0210, subpart 11, \$300;
- 11          ~~AAAAA~~: ZZZZ. part 4668.0210, subpart 12, \$350;
- 12          ~~BBBBB~~: AAAAA. part 4668.0210, subpart 13, \$100;
- 13          ~~EEEE~~: BBBBB. part 4668.0210, subpart 15, \$350;
- 14          ~~DDDD~~: CCCCC. part 4668.0210, subpart 16, \$50;
- 15          ~~EEEE~~: DDDD. part 4668.0210, subpart 17, \$300;
- 16          ~~FFFF~~: EEEE. part 4668.0210, subpart 18, \$300;
- 17          ~~GGGG~~: FFFF. part 4668.0210, subpart 20, \$350;
- 18          ~~HHHH~~: GGGG. part 4668.0210, subpart 21, the first
- 19 sentence, \$350;
- 20          ~~IIII~~: HHHH. part 4668.0210, subpart 21, the second
- 21 sentence, \$50;
- 22          ~~JJJJ~~: IIII. part 4668.0220, subpart 6, \$500; and
- 23          ~~KKKK~~: JJJJ. part 4668.0220, subpart 8, \$500.

24 4668.0240 FAILURE TO CORRECT DEFICIENCY AFTER FINE HAS BEEN  
 25 IMPOSED.

26         If, upon subsequent reinspection after a fine has been  
 27 imposed under part 4668.0230, the deficiency has still not been  
 28 corrected, another fine shall be assessed. This fine shall be  
 29 double the amount of the previous fine.

30 4669.0001 AUTHORITY.

31         This chapter establishes fees for the licensing of home  
 32 care and hospice providers, as required by Minnesota Statutes,  
 33 section 144A.46, subdivision 1, paragraph (c), and part  
 34 4668.0012, subpart 18.

## 1 4669.0010 DEFINITIONS.

2 Subpart 1. **Applicant.** "Applicant" means a provider of  
3 home care services that applies for a new license or renewal  
4 license under chapter 4668.

5 Subp. 2. **Commissioner.** "Commissioner" means the  
6 commissioner of the Department of Health.

7 Subp. 3. **Provider.** "Provider" means a home care provider  
8 required to be licensed under Minnesota Statutes, sections  
9 144A.43 to 144A.48.

10 Subp. 4. **Revenues.** "Revenues" means all money or the  
11 value of property or services received by a registrant and  
12 derived from the provision of home care services, including fees  
13 for services, grants, bequests, gifts, donations, appropriations  
14 of public money, and earned interest or dividends.

## 15 4669.0020 LICENSE FEE.

16 An applicant for a new license or renewal license under  
17 chapter 4668 shall pay a fee to the commissioner based on  
18 revenues derived from the provision of home care services during  
19 the calendar year prior to the year in which the application is  
20 submitted, according to the formula in part 4669.0050.

## 21 4669.0030 PROCEDURE FOR PAYING LICENSE FEE.

22 Subpart 1. **Payment of fee.** An applicant shall submit the  
23 fee required by part 4669.0050 to the commissioner together with  
24 the application for the license.

25 Subp. 2. **Verification of revenues.** Under a circumstance  
26 listed in item A or B, the commissioner shall require each  
27 applicant to verify its revenues by providing a copy of an  
28 income tax return; informational tax return, such as an Internal  
29 Revenue Service form 1065 partnership return or form 990  
30 tax-exempt organization return; Medicare cost report; certified  
31 financial statement; or other documentation that verifies the  
32 accuracy of the revenues derived from the provision of home care  
33 services for the reporting period on which the fee is based if  
34 either:

35 A. the commissioner has received information that a

1 revenue report may be inaccurate; or

2 B. the provider has been randomly selected for  
3 compliance verification.

4 4669.0040 FEE LIMITATION.

5 A provider is subject to one license fee, regardless of the  
6 number of distinct programs through which home care services are  
7 provided unless the provider operates under multiple units as  
8 set forth in part 4668.0012, subpart 2. A provider issued a  
9 class A and class D license under part 4668.0012, subpart 3,  
10 item B, shall pay one license fee. The fee shall be based on  
11 the total revenue of all home care services.

12 4669.0050 FEE SCHEDULE.

13 Subpart 1. **Fees for classes A, B, and D.** The amount of  
14 the fee for class A, class B, and class D providers, shall be  
15 determined according to the following schedule:

16 A. for revenues greater than \$1,500,000, \$4,000;

17 B. for revenues greater than \$1,275,000 and no more  
18 than \$1,500,000, \$3,500;

19 C. for revenues greater than \$1,100,000 and no more  
20 than \$1,275,000, \$3,000;

21 D. for revenues greater than \$950,000 and no more  
22 than \$1,100,000, \$2,500;

23 E. for revenues greater than \$850,000 and no more  
24 than \$950,000, \$2,250;

25 F. for revenues greater than \$750,000 and no more  
26 than \$850,000, \$2,000;

27 G. for revenues greater than \$650,000 and no more  
28 than \$750,000, \$1,750;

29 H. for revenues greater than \$550,000 and no more  
30 than \$650,000, \$1,500;

31 I. for revenues greater than \$450,000 and no more  
32 than \$550,000, \$1,250;

33 J. for revenues greater than \$350,000 and no more  
34 than \$450,000, \$1,000;

35 K. for revenues greater than \$250,000 and no more

1 than \$350,000, \$750;

2 L. for revenues greater than \$100,000 and no more  
3 than \$250,000, \$500;

4 M. for revenues greater than \$25,000 and no more than  
5 \$100,000, \$250; and

6 N. for revenues no more than \$25,000, \$100.

7 Subp. 2. Fees for class C. The amount of the fee for  
8 class C providers shall be as follows:

9 A. for revenues greater than \$1,000, \$50; and

10 B. for revenues no more than \$1,000, \$20.

11 Subp. 3. Fees for class E. The amount of the fee for  
12 class E providers is \$500.

13 Subp. 4. Fees for medical equipment vendors. Regardless  
14 of the class under which it is licensed, a provider of whose  
15 principal business is medical supplies and equipment shall pay a  
16 an annual fee of \$500.

17

18 REFERENCE CHANGE. The references to "144A.43 to 144A.48" will  
19 be changed to "144A.43 to 144A.49" in chapters 4668 and 4669.

20

21 EFFECTIVE DATE. These rules, except for parts 4668.0100,  
22 subpart 5; 4668.0110, subpart 2; and 4668.0130, are effective 90  
23 days after adoption. Parts 4668.0100, subpart 5; 4668.0110,  
24 subpart 2; and 4668.0130, are effective one year after adoption.