

1 **Department of Health**2 **Adopted Permanent Rules Relating to Licensing of Assisted Living Home Care**  
3 **Providers**4 **4668.0002 APPLICABILITY, AUTHORITY, AND SCOPE.**

5 This chapter implements the licensing of home care providers and hospice programs  
6 under Minnesota Statutes, sections 144A.43 to 144A.48, under the authority of  
7 Minnesota Statutes, sections 144A.45, subdivision 1, 144A.4605, and 144A.48,  
8 subdivision 4. Unless otherwise provided, all licensed home care providers must meet  
9 the requirements of this chapter. Provisions that apply only to specified classes of  
10 licensees are identified by those provisions. The commissioner may delegate any  
11 authority or responsibility to an agent of the department. This chapter must be read  
12 together with Minnesota Statutes, sections 144A.43 to 144A.48.

13 **4668.0003 DEFINITIONS.**

14 Subpart 1. **Scope.** As used in parts 4668.0002 to 4668.0870, the terms in subparts 2 to  
15 45 have the meanings given them.

16 [For text of subp 2, see M.R.]

17 Subp. 2a. **Assistance with self-administration of medication.** "Assistance with  
18 self-administration of medication" means performing a task to enable a client to  
19 self-administer medication, including:

20 A. bringing the medication to the client;

21 B. opening a container containing medications set up by a nurse, physician, or  
22 pharmacist;

23 C. emptying the contents from the container into the client's hand; ~~or~~

24 D. providing liquids or nutrition to accompany medication that a client is  
25 ~~self-administration~~ self-administering; or



1 performing a task to ensure a client takes a medication, and includes the following  
2 tasks, performed in the following order:

3 A. checking the client's medication record;

4 B. preparing the medication for administration;

5 C. administering the medication to the client;

6 D. documenting after administration, or the reason for not administering the  
7 medication as ordered; and

8 E. reporting information ~~regarding medication administration~~ to a nurse regarding  
9 concerns about the medication or the client's refusal to take the medication.

10 Subp. 21b. **Medication reminder.** "Medication reminder" means providing a verbal or  
11 visual reminder to a client to take medication.

12 [For text of subps 22 to 26, see M.R.]

13 Subp. 26a. **Oral hygiene.** "Oral hygiene" means care of teeth, gums, and oral  
14 prosthetic devices.

15 Subp. 26b. **Over-the-counter drug.** "Over-the-counter drug" means a drug that is not  
16 required by federal law to bear the statement "Caution: Federal law prohibits dispensing  
17 without prescription," and as a result, may be sold without a prescription.

18 [For text of subps 27 and 28, see M.R.]

19 Subp. 28a. **Pharmacist.** "Pharmacist" means a person currently licensed under  
20 Minnesota Statutes, chapter 151.

21 [For text of subps 29 to 34, see M.R.]

22 Subp. 35. **Residential center.** "Residential center" means a building or complex of  
23 contiguous or adjacent buildings in which clients rent or own distinct living units.

24 [For text of subps 36 to 40, see M.R.]

25 Subp. 41. **Survey.** "Survey" means an inspection of a licensee or applicant for  
4668.0003

1 licensure for compliance with this chapter and Minnesota Statutes, sections 144A.43 to  
2 144A.48. Surveys include investigations of complaints.

3 [For text of subps 42 to 44, see M.R.]

4 Subp. 44a. Unlicensed person. "Unlicensed person" means a person who is employed  
5 by the licensee and who is not a nurse. Unlicensed person does not include  
6 nonemployee family members, nonemployee significant others, and nonemployee  
7 responsible persons.

8 [For text of subpart 45, see M.R.]

9 **4668.0008 SERVICES INCLUDED IN AND EXCLUDED FROM LICENSURE.**

10 [For text of subps 1 and 2, see M.R.]

11 Subp. 3. **Contract services.** If a licensee contracts for a home care service with a  
12 business that is not subject to licensure under this chapter, it must require, in the  
13 contract, that the business comply with this chapter and Minnesota Statutes, sections  
14 144A.43 to 144A.48.

15 [For text of subps 4 to 8, see M.R.]

16 Subp. 9. **Exclusion of certain instructional and incidental services.** A business is not  
17 subject to Minnesota Statutes, sections 144A.43 to 144A.48, and is not required to be  
18 licensed under this chapter if the business only provides services that are primarily  
19 instructional and not medical services or health-related support services.

20 [For text of subps 10 to 12, see M.R.]

21 **4668.0012 LICENSURE.**

22 Subpart 1. **License issued.** If a provider complies with the requirements of this  
23 chapter and Minnesota Statutes, sections 144A.43 to 144A.48, the commissioner shall  
24 issue to the provider a certificate of licensure that will contain:

25 A. the provider's name and address;

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

2 C. the beginning and expiration dates; and

3 D. a unique license number.

4 Subp. 2. **Multiple units.** Multiple units of a provider must share the same  
5 management that supervises and administers services provided by all units. Multiple  
6 units of a provider must be separately licensed if the commissioner determines that the  
7 units cannot adequately share supervision and administration of services with the main  
8 office because of distinct organizational structures.

9 Subp. 3. **Classes of licenses.** In issuing a license under this part, the commissioner  
10 shall assign a license classification according to items A and B. A provider performing  
11 only home management tasks must be registered according to Minnesota Statutes,  
12 section 144A.461, and need not obtain a home care license.

13 A. A provider must apply for one of the classes of the home care license listed in  
14 subitems (1) to (6).

15 [For text of subitems (1) to (5), see M.R.]

16 (6) Assisted living home care provider license. Under this license, a provider  
17 may provide assisted living home care services solely for residents of one or more  
18 registered housing with services establishments, as provided by Minnesota Statutes,  
19 section 144A.4605.

20 B. If a provider meets the requirements of more than one license class, the  
21 commissioner shall issue to the provider a separate license for each applicable class of  
22 home care licensure.

23 Subp. 4. **Applicability of rules to classes.**

24 A. A class A licensee must comply with parts 4668.0002 to 4668.0180, and  
25 4668.0218 to 4668.0240, except that one certified for Medicare as a home health agency

1 under Code of Federal Regulations, title 42, part 484, need not comply with the  
2 requirements listed in part 4668.0180, subpart 10.

3 B. A class B licensee must comply with parts 4668.0002 to 4668.0080, 4668.0110 to  
4 4668.0170, 4668.0190, and 4668.0218 to 4668.0240.

5 C. A class C licensee must comply with parts 4668.0002 to 4668.0035, 4668.0050 to  
6 4668.0065, 4668.0075 to 4668.0170, 4668.0200, and 4668.0218 to 4668.0240.

7 D. A class D licensee must comply with parts 4668.0002 to 4668.0170, 4668.0210,  
8 and 4668.0218 to 4668.0240, except that one certified for Medicare as a hospice program  
9 under Code of Federal Regulations, title 42, part 418, need not comply with the  
10 requirements listed in part 4668.0210, subpart 22.

11 E. A class E licensee must comply with parts 4668.0002 to 4668.0080, 4668.0110 to  
12 4668.0170, 4668.0215, and 4668.0218 to 4668.0240.

13 F. An assisted living home care provider licensee must comply with parts  
14 4668.0002 to 4668.0050, 4668.0065, 4668.0070, 4668.0170, 4668.0218 to 4668.0240, and  
15 4668.0800 to 4668.0870.

16 Subp. 5. **New license.** A license shall be issued to an applicant that is not currently  
17 licensed if the applicant completes the application, pays the fee in full, and complies  
18 with this chapter and Minnesota Statutes, sections 144A.43 to 144A.48. A license is  
19 effective for one year after the date the license is issued.

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

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

24 [For text of subitems (1) to (4), see M.R.]

25 (5) documentation of compliance with the background study requirements of

1 Minnesota Statutes, section 144A.46, subdivision 5, for all persons involved in the  
2 management, operation, or control of a provider;

3 (6) evidence of workers' compensation coverage, as required by Minnesota  
4 Statutes, sections 176.181 and 176.182;

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

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

10 (9) a list of those home care services listed in Minnesota Statutes, section  
11 144A.43, subdivision 3, or 144A.4605, that will be made available to clients.

12 [For text of item B, see M.R.]

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

16 A. who is authorized to transact business with the commissioner of health on all  
17 matters provided for in this chapter and Minnesota Statutes, sections 144A.43 to  
18 144A.48; and

19 B. upon whom all notices and orders shall be served, and who is authorized to  
20 accept service of notices and orders on behalf of the licensee, in proceedings under this  
21 chapter and Minnesota Statutes, sections 144A.43 to 144A.48.

22 The designation of one or more persons under this subpart shall not affect the legal  
23 responsibility of any other owner or managerial official under this chapter and  
24 Minnesota Statutes, sections 144A.43 to 144A.48.

25 Subp. 8. **Notification of changes in information.** The licensee shall notify the

1 commissioner in writing within ten working days after any change in the information  
2 required to be provided by subparts 6 and 7, except for the information required by  
3 subpart 6, item A, subitem (4), which will be required at the time of license renewal, and  
4 except for services reported under subpart 6, item A, subitem (9), that are discontinued  
5 for less than 90 days.

6 [For text of subp 9, see M.R.]

7 Subp. 10. **Prelicensing survey.** Before granting a license, other than a provisional  
8 license under Minnesota Statutes, section 144A.48, the commissioner may investigate  
9 the applicant for compliance with this chapter and Minnesota Statutes, sections 144A.43  
10 to 144A.48.

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

12 [For text of item A, see M.R.]

13 B. the applicant is not in compliance with this chapter and Minnesota Statutes,  
14 sections 144A.43 to 144A.48;

15 C. the applicant is disqualified under Minnesota Statutes, ~~section~~ sections 144.057  
16 and 245A.04;

17 D. the applicant or an owner or managerial official has been unsuccessful in  
18 having a disqualification under Minnesota Statutes, section 144.057 or 245A.04, set  
19 aside; or

20 E. the commissioner determines that an owner or managerial official, as an owner  
21 or managerial official of another licensee, was substantially responsible for the other  
22 licensee's failure to substantially comply with this chapter and Minnesota Statutes,  
23 sections 144A.43 to 144A.48.

24 [For text of subp 12, see M.R.]

25 Subp. 13. **License renewals.** Except as provided in subpart 14 or 15, a license will be  
26 renewed for a period of one year if the licensee satisfies items A to C. The licensee must:



1 A. submit an application for renewal on forms provided by the commissioner at  
2 least 30 days before expiration of the license;

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

4 C. comply with this chapter and Minnesota Statutes, sections 144A.43 to 144A.48.

5 Subp. 14. **Conditional license.** If a licensee is not in full compliance with this chapter  
6 and Minnesota Statutes, sections 144A.43 to 144A.48, at the time of expiration of its  
7 license, and the violations do not warrant denial of renewal of the license, the  
8 commissioner shall issue a license for a limited period conditioned on the licensee  
9 achieving full compliance within the term of the license or the term of any correction  
10 orders.

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

14 A. is in violation, or during the term of the license has violated, any of the  
15 requirements of this chapter or Minnesota Statutes, sections 144A.43 to 144A.48;

16 [For text of items B to G, see M.R.]

17 H. interferes with or impedes a representative of the commissioner in the  
18 enforcement of this chapter and Minnesota Statutes, sections 144A.43 to 144A.48;

19 I. destroys or makes unavailable any records or other evidence relating to the  
20 licensee's compliance with this chapter and Minnesota Statutes, sections 144A.43 to  
21 144A.48;

22 J. refuses to ~~complete~~ initiate a background study under Minnesota Statutes,  
23 section 144.057 or 245A.04; or

24 K. has failed to timely pay any fines assessed under part 4668.0230 or 4668.0800,  
25 subpart 6.

1 [For text of subps 16 to 18, see M.R.]

2 **4668.0017 HEARINGS.**

3 Subpart 1. **Hearing rights.** An applicant for a license or a licensee that has been  
4 assessed a fine under part 4668.0230 or 4668.0800, subpart 6, that has had a waiver or  
5 variance denied or revoked under part 4668.0016, or that has a right to a hearing under  
6 Minnesota Statutes, section 144A.46, subdivision 3, may request a hearing to contest that  
7 action or decision according to the rights and procedures provided by Minnesota  
8 Statutes, chapter 14, and this part.

9 [For text of subps 2 and 3, see M.R.]

10 **4668.0040 COMPLAINT PROCEDURE.**

11 Subpart 1. **Complaint procedure.** A licensee that has more than one direct care staff  
12 person must establish a system for receiving, investigating, and resolving complaints  
13 from its clients.

14 [For text of subp 2, see M.R.]

15 Subp. 3. **Prohibition against retaliation.** A licensee must not take any action that  
16 negatively affects a client in retaliation for a complaint made by the client.

17 Subp. 4. **Scope.** This part applies to all licensees except class C licensees.

18 **4668.0050 ACCEPTANCE, RETENTION, DISCONTINUATION OF SERVICES, AND**  
19 **DISCHARGE OF CLIENTS.**

20 Subpart 1. **Acceptance of clients.** No licensee may accept a person as a client unless  
21 the licensee has staff, sufficient in qualifications and numbers, to adequately provide the  
22 services agreed to in the service agreement, under part 4668.0140 for class A, B, C, D,  
23 and E licensees, or the service plan, under part 4668.0815, for assisted living home care  
24 provider licensees.

25 [For text of subp 2, see M.R.]

1     **4668.0075 ORIENTATION TO HOME CARE REQUIREMENTS.**

2                             [For text of subpart 1, see M.R.]

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

5             A. an overview of this chapter and Minnesota Statutes, sections 144A.43 to  
6 144A.48;

7                             [For text of items B to F, see M.R.]

8                             [For text of subps 3 to 5, see M.R.]

9     **4668.0220 SURVEYS AND INVESTIGATIONS.**

10                            [For text of subps 1 and 2, see M.R.]

11             Subp. 3. **Biennial surveys.** A licensee that has been licensed for at least two  
12 consecutive years and that has been in substantial compliance with this chapter and  
13 Minnesota Statutes, sections 144A.43 to 144A.48, and has had no serious violations in  
14 that period, may be surveyed every second license term rather than during each license  
15 term.

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

19                            [For text of subps 5 to 10, see M.R.]

20     **4668.0230 FINES FOR UNCORRECTED VIOLATIONS.**

21             Subpart 1. **Authority.** The fines provided under this part are under the authority of  
22 Minnesota Statutes, sections 144.653, subdivision 6, and 144A.45, subdivision 2, clause  
23 (4).

24                            [For text of subps 2 to 4, see M.R.]

25             Subp. 5. **Schedule of fines for violations of rules.** For each violation of a rule

1 provision subject to a fine under Minnesota Statutes, section 144.653, subdivision 6, the  
2 following fines shall be assessed for the respective rule that was violated:

3 A. part 4668.0008, subpart 3, \$300;

4 B. for providing false information required by part 4668.0012, subpart 6, \$500;

5 C. part 4668.0012, subpart 8, \$100;

6 D. part 4668.0012, subpart 17, \$50;

7 E. a variance, under part 4668.0016, subpart 8, the fine shall be the amount of the  
8 fine established for the rule that was varied;

9 F. part 4668.0019, \$250;

10 G. part 4668.0030, subpart 2, \$250;

11 H. part 4668.0030, subpart 3, \$50;

12 I. part 4668.0030, subpart 4, \$50;

13 J. part 4668.0030, subpart 5, \$50;

14 K. part 4668.0030, subpart 6, \$50;

15 L. part 4668.0030, subpart 7, \$250;

16 M. part 4668.0035, subpart 1, \$250;

17 N. part 4668.0035, subpart 2, \$100;

18 O. part 4668.0035, subpart 3, \$100;

19 P. part 4668.0040, subpart 1, \$250;

20 Q. part 4668.0040, subpart 2, \$50;

21 R. part 4668.0040, subpart 3, \$250;

22 S. part 4668.0050, subpart 1, \$350;

23 T. part 4668.0050, subpart 2, \$100;

- 1 U. part 4668.0060, subpart 1, \$50;
- 2 V. part 4668.0060, subpart 3, \$350;
- 3 W. part 4668.0060, subpart 4, \$350;
- 4 X. part 4668.0060, subpart 5, \$500;
- 5 Y. part 4668.0060, subpart 6, \$300;
- 6 Z. part 4668.0065, subpart 1, \$500;
- 7 AA. part 4668.0065, subpart 2, \$500;
- 8 BB. part 4668.0065, subpart 3, \$300;
- 9 CC. part 4668.0070, subpart 2, \$50;
- 10 DD. part 4668.0070, subpart 3, \$50;
- 11 EE. part 4668.0070, subpart 4, \$50;
- 12 FF. part 4668.0075, subpart 1, \$300;
- 13 GG. part 4668.0075, subpart 2, \$100;
- 14 HH. part 4668.0075, subpart 4, \$50;
- 15 II. part 4668.0080, subpart 1, \$300;
- 16 JJ. part 4668.0080, subpart 2, \$300;
- 17 KK. part 4668.0080, subpart 3, \$300;
- 18 LL. part 4668.0080, subpart 4, \$300;
- 19 MM. part 4668.0080, subpart 5, \$300;
- 20 NN. part 4668.0100, subpart 1, \$350;
- 21 OO. part 4668.0100, subpart 2, \$350;
- 22 PP. part 4668.0100, subpart 3, \$500;
- 23 QQ. part 4668.0100, subpart 4, \$350;

- 1 RR. part 4668.0100, subpart 5, \$300;
- 2 SS. part 4668.0100, subpart 6, \$300;
- 3 TT. part 4668.0100, subpart 7, \$50;
- 4 UU. part 4668.0100, subpart 8, \$350;
- 5 VV. part 4668.0100, subpart 9, \$350;
- 6 WW. part 4668.0110, subpart 1, \$350;
- 7 XX. part 4668.0110, subpart 2, \$300;
- 8 YY. part 4668.0110, subpart 3, \$50;
- 9 ZZ. part 4668.0110, subpart 4, \$300;
- 10 AAA. part 4668.0110, subpart 5, \$350;
- 11 BBB. part 4668.0110, subpart 6, \$350;
- 12 CCC. part 4668.0120, subpart 2, \$50;
- 13 DDD. part 4668.0130, subpart 1, \$300;
- 14 EEE. part 4668.0130, subpart 2, \$300;
- 15 FFF. part 4668.0130, subpart 3, \$300;
- 16 GGG. part 4668.0130, subpart 4, \$50;
- 17 HHH. part 4668.0140, subpart 1, \$250;
- 18 III. part 4668.0140, subpart 2, \$50;
- 19 JJJ. part 4668.0150, subpart 2, \$350;
- 20 KKK. part 4668.0150, subpart 3, \$350;
- 21 LLL. part 4668.0150, subpart 4, \$350;
- 22 MMM. part 4668.0150, subpart 5, \$350;
- 23 NNN. part 4668.0150, subpart 6, \$350;

1           OOO. part 4668.0160, subpart 1, \$100;  
2           PPP. part 4668.0160, subpart 2, \$100;  
3           QQQ. part 4668.0160, subpart 3, \$50;  
4           RRR. part 4668.0160, subpart 4, \$100;  
5           SSS. part 4668.0160, subpart 5, \$50;  
6           TTT. part 4668.0160, subpart 6, \$100;  
7           UUU. part 4668.0160, subpart 7, \$350;  
8           VVV. part 4668.0170, subpart 1, \$500;  
9           WWW. part 4668.0170, subpart 2, \$500;  
10          XXX. part 4668.0180, subpart 3, \$500;  
11          YYY. part 4668.0180, subpart 4, \$300;  
12          ZZZ. part 4668.0180, subpart 5, \$300;  
13          AAAA. part 4668.0180, subpart 6, \$300;  
14          BBBB. part 4668.0180, subpart 8, \$200;  
15          CCCC. part 4668.0180, subpart 9, \$100;  
16          DDDD. part 4668.0190, \$500;  
17          EEEE. part 4668.0200, subpart 2, \$500;  
18          FFFF. part 4668.0200, subpart 4, \$100;  
19          GGGG. part 4668.0200, subpart 5, \$50;  
20          HHHH. part 4668.0200, subpart 6, \$500;  
21          IIII. part 4668.0210, subpart 3, \$100;  
22          JJJJ. part 4668.0210, subpart 4, \$100;  
23          KKKK. part 4668.0210, subpart 5, \$100;

- 1 LLLL. part 4668.0210, subpart 6, \$100;  
 2 MMMM. part 4668.0210, subpart 7, \$100;  
 3 NNNN. part 4668.0210, subpart 8, \$350;  
 4 OOOO. part 4668.0210, subpart 9, \$300;  
 5 PPPP. part 4668.0210, subpart 10, \$300;  
 6 QQQQ. part 4668.0210, subpart 11, \$300;  
 7 RRRR. part 4668.0210, subpart 12, \$350;  
 8 SSSS. part 4668.0210, subpart 13, \$100;  
 9 TTTT. part 4668.0210, subpart 15, \$350;  
 10 UUUU. part 4668.0210, subpart 16, \$50;  
 11 VVVV. part 4668.0210, subpart 17, \$300;  
 12 WWWW. part 4668.0210, subpart 18, \$300;  
 13 XXXX. part 4668.0210, subpart 20, \$350;  
 14 YYYY. part 4668.0210, subpart 21, the first sentence, \$350;  
 15 ZZZZ. part 4668.0210, subpart 21, the second sentence, \$50;  
 16 AAAAA. part 4668.0220, subpart 6, \$500; and  
 17 BBBB. part 4668.0220, subpart 8, \$500.

18 **4668.0800 ASSISTED LIVING HOME CARE PROVIDER.**

19 Subpart 1. **Scope of license.** An assisted living home care provider licensee may  
 20 provide nursing services, delegated nursing services, other services performed by  
 21 unlicensed personnel, or central storage of medications, solely for residents of one or  
 22 more housing with services establishments registered under Minnesota Statutes, chapter  
 23 144D.

24 Subp. 2. **Required services.** An assisted living home care provider licensee must  
 25 provide at least one of the following assisted living home care services directly:

4668.0800



- 1 A. professional nursing services;
- 2 B. delegated nursing services;
- 3 C. ~~other~~ non-nursing services performed by unlicensed personnel; or
- 4 D. central storage of medications.

5 Subp. 3. **Fulfillment of services.** An assisted living home care provider licensee must  
6 provide all services required by a client's service plan under part 4668.0815.

7 Subp. 4. **Referrals.** If an assisted living home care provider licensee reasonably  
8 believes that a client is in need of another medical or health service, including that of a  
9 physician, osteopath, dentist, podiatrist, chiropractor, other health professional, or social  
10 service provider, the licensee must:

- 11 A. inform the client of the possible need;
- 12 B. determine the client's preferences with respect to obtaining the service; and
- 13 C. if the client desires the service, inform the client about available providers or  
14 referral services.

15 Subp. 5. **Availability of contact person.** An assisted living home care provider  
16 licensee must have a contact person available for consultation whenever an unlicensed  
17 person employed by the licensee is performing assisted living home care services for a  
18 client. The contact person must be available to unlicensed personnel in person, by  
19 telephone, or by other means of direct communication.

20 Subp. 6. **Violations of rules.** For each violation of parts 4668.0800 to 4668.0870 subject  
21 to a fine under Minnesota Statutes, section 144.653, subdivisions 5 to 8, a fine shall be  
22 assessed according to the schedules established in parts 4668.0800 to 4668.0870.

23 Subp. 7. **Failure to correct deficiency.** If, upon subsequent reinspection after a fine  
24 has been imposed under subpart 6, the deficiency has still not been corrected, another  
25 fine must be assessed. This fine must be double the amount of the previous fine.

1 Subp. 8. **Schedule of fines.** For a violation of the following subparts, the stated fine  
2 shall be assessed:

3 A. subpart 3, \$350;

4 B. subpart 4, \$200; and

5 C. subpart 5, \$300.

6 **4668.0805 ORIENTATION TO HOME CARE REQUIREMENTS.**

7 Subpart 1. **Orientation.** An individual applicant for an assisted living home care  
8 provider license and a person who provides direct care, supervision of direct care, or  
9 management of services for a licensee must complete an orientation to home care  
10 requirements before providing home care services to clients. The orientation may be  
11 incorporated into the training of unlicensed personnel required under part 4668.0835,  
12 subpart 2. The orientation need only be completed once.

13 Subp. 2. **Content.** The orientation required under subpart 1 must contain the  
14 following topics:

15 A. an overview of this chapter and Minnesota Statutes, sections 144A.43 to  
16 144A.48;

17 B. handling emergencies and using emergency services;

18 C. reporting the maltreatment of vulnerable minors or adults under Minnesota  
19 Statutes, sections 626.556 and 626.557;

20 D. the home care bill of rights, Minnesota Statutes, section 144A.44;

21 E. handling of clients' complaints and reporting how clients and staff may report  
22 complaints to the Office of Health Facility Complaints; and

23 F. the services of the ombudsman for older Minnesotans.

24 Subp. 3. **Sources of orientation.** The orientation training required by this part may be  
25 provided by an assisted living home care provider licensee or may be obtained from

1 other sources. The commissioner must provide a curriculum and materials that may be  
2 used to present the orientation.

3 Subp. 4. **Verification and documentation.** An assisted living home care provider  
4 licensee must retain evidence that each person has completed the orientation training  
5 required under this part.

6 Subp. 5. **Transferability.** An assisted living home care provider licensee may accept  
7 written verification from another provider that a person has completed the orientation  
8 required under this part.

9 Subp. 6. **Schedule of fines.** For a violation of the following subparts, the stated fine  
10 shall be assessed:

11 A. subpart 1, \$300;

12 B. subpart 2, \$100; and

13 C. subpart 4, \$50.

14 **4668.0810 CLIENT RECORDS.**

15 Subpart 1. **Maintenance of client record.** An assisted living home care provider  
16 licensee must maintain a record for each client at the housing with services  
17 establishment where the services are provided. The client record must be readily  
18 accessible to personnel authorized by the licensee to use the client record.

19 Subp. 2. **Security.** An assisted living home care provider licensee must establish and  
20 implement written procedures for security of client records, including:

21 A. the use of client records;

22 B. the removal of client records from the establishment; and

23 C. the criteria for release of client information.

24 Subp. 3. **Retention.** An assisted living home care provider licensee must retain a  
25 client's record for at least five years following the client's discharge or discontinuation

1 of services. Arrangements must be made for secure storage and retrieval of client  
2 records if the licensee ceases business.

3 Subp. 4. **Transfer of client.** If a client transfers to another home care provider or other  
4 health care practitioner or provider or is admitted to an inpatient facility, an assisted  
5 living home care provider licensee, upon request of the client, must send a copy or  
6 summary of the client's record to the new provider or facility or to the client.

7 Subp. 5. **Form of entries.** Except as required by subpart 6, items F and G,  
8 documentation of an assisted living home care service must be created and signed by  
9 the staff person providing the service no later than the end of the work period. The  
10 documentation must be entered into the client record no later than two weeks after the  
11 end of the day service was provided. All entries in the client record must be:

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

14 B. recorded in an electronic media in a manner that ensures the confidentiality and  
15 security of the electronic information, according to current standards of practice in  
16 health information management, and that allows for a printed copy to be created.

17 Subp. 6. **Content of client record.** The client record must be accurate, up to date, and  
18 available to all persons responsible for assessing, planning, and providing assisted  
19 living home care services. The record must 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;

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

2 (7) primary diagnosis and any other relevant current diagnoses;

3 (8) allergies, if any; and

4 (9) the client's advance directive, if any;

5 B. an evaluation and service plan as required under part 4668.0815;

6 C. a clinical nursing assessment for nursing services, delegated nursing services, or  
7 central storage of medications, if any;

8 D. medication and treatment orders, if any;

9 E. the client's current tuberculosis infection status, if known;

10 F. ~~at least a weekly summary of the client's status and home care services~~  
11 ~~provided;~~

12 ~~G.~~ documentation of each instance of assistance with self-administration of  
13 medication and of medication administration, if any;

14 ~~H.~~ G. documentation on the day of occurrence of any significant change in the  
15 client's status or any significant incident, including a fall or a refusal to take  
16 medications, and any actions by staff in response to the change or incident;

17 H. documentation at least weekly of the client's status and the home care services  
18 provided, if not addressed under item F or G;

19 I. the names, addresses, and telephone numbers of the client's medical services  
20 providers and other home care providers, if known;

21 J. a summary following the ~~termination~~ discontinuation of services, which includes  
22 the reason for the initiation and ~~termination~~ discontinuation of services and the client's  
23 condition at the ~~termination~~ discontinuation of services; and

24 K. any other information necessary to provide care for each individual client.

1 Subp. 7. **Confidentiality.** An assisted living home care provider licensee must not  
2 disclose to any other person any personal, financial, medical, or other information about  
3 the client, except:

4 A. as may be required by law;

5 B. to staff, another home care provider, a health care practitioner or provider, or an  
6 inpatient facility that requires information to provide services to the client, but only the  
7 information that is necessary to provide services;

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

10 D. to representatives of the commissioner authorized to survey or investigate  
11 home care providers.

12 Subp. 8. **Schedule of fines.** For a violation of the following subparts, the stated fine  
13 shall be assessed:

14 A. subpart 1, \$100;

15 B. subpart 2, \$100;

16 C. subpart 3, \$50;

17 D. subpart 4, \$100;

18 E. subpart 5, \$50;

19 F. subpart 6, \$100; and

20 G. subpart 7, \$350.

21 **4668.0815 EVALUATION AND SERVICE PLAN.**

22 Subpart 1. **Evaluation; documentation.** No later than two weeks after the initiation of  
23 assisted living home care services to a client, a registered nurse must complete an  
24 individualized evaluation of the client's needs and must establish, with the client or the  
25 client's responsible person, a suitable and up-to-date service plan for providing assisted

1 living home care services in accordance with accepted standards of practice for  
2 professional nursing. The service plan must be in writing and include a signature or  
3 other authentication by the assisted living home care provider licensee and by the client  
4 or the client's responsible person documenting agreement on the services to be  
5 provided.

6 Subp. 2. **Reevaluation.** A registered nurse must review and revise a client's  
7 evaluation and service plan at least annually or more frequently when there is a change  
8 in the client's condition that requires a change in services.

9 Subp. 3. **Modifications.** A modification of the service plan must be in writing and  
10 agreed to by the client or the client's responsible person before the modification is  
11 initiated. A modification must be authenticated by the client or the client's responsible  
12 person and must be entered into the client's record no later than two weeks after the  
13 modification is initiated.

14 Subp. 4. **Contents of service plan.** The service plan required under subpart 1 must  
15 include:

16 A. a description of the assisted living home care service or services to be provided  
17 and the frequency of each service, according to the individualized evaluation required  
18 under subpart 1;

19 B. the identification of the persons or categories of persons who are to provide the  
20 services;

21 C. the schedule or frequency of sessions of supervision or monitoring required by  
22 law, rule, or the client's condition for the services or the persons providing those  
23 services, if any;

24 D. the fees for each service; and

25 E. a plan for contingency action that includes:

1 (1) the action to be taken by the assisted living home care provider licensee,  
2 client, and responsible person if scheduled services cannot be provided;

3 (2) the method for a client or responsible person to contact a representative of  
4 the assisted living home care provider licensee whenever staff are providing services;

5 (3) the name and telephone number of the person to contact in case of an  
6 emergency or significant adverse change in the client's condition;

7 (4) the method for the assisted living home care provider licensee to contact a  
8 responsible person of the client, if any; and

9 (5) the circumstances in which emergency medical services are not to be  
10 summoned, consistent with ~~the Minnesota Living Will Act~~, Minnesota Statutes, ~~chapter~~  
11 chapters 145B and 145C, and declarations made by the client under ~~that act~~ those  
12 chapters.

13 Subp. 5. **Scheduled appointments for nonessential services.** If an assisted living  
14 home care provider licensee or employee of a licensee is unable, for any reason, to keep  
15 a scheduled appointment for a service that is not essential for medical or safety reasons,  
16 the licensee must:

17 A. follow the procedure established in the service plan;

18 B. provide a replacement person; or

19 C. notify the client that the appointment will not be kept and schedule a new  
20 appointment or arrange for some other reasonable alternative.

21 Subp. 6. **Scheduled appointments for essential services.** If, for medical or safety  
22 reasons, a service to be provided must be completed at the scheduled time and the  
23 assisted living home care provider licensee or employee of a licensee is unable, for any  
24 reason, to keep the scheduled appointment, the licensee must make arrangements to  
25 complete the service through a contract with another provider or through other  
26 reasonable means.



1 Subp. 7. **Schedule of fines.** For a violation of the following subparts, the stated fine  
2 shall be assessed:

3 A. subpart 1, \$250;

4 B. subpart 2, \$250;

5 C. subpart 3, \$250;

6 D. subpart 4, \$50;

7 E. subpart 5, \$350; and

8 F. subpart 6, \$500.

9 **4668.0820 NURSING SERVICES.**

10 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
11 that provides nursing services.

12 Subp. 2. **Compliance with Minnesota Nurse Practice Act.** Nursing services must be  
13 provided according to Minnesota Statutes, sections 148.171 to 148.285, and rules  
14 adopted thereunder.

15 **4668.0825 DELEGATED NURSING SERVICES.**

16 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
17 that provides nursing services delegated to unlicensed personnel.

18 Subp. 2. **Clinical Nursing assessment and service plan.** Before initiating delegated  
19 nursing services for a client, a registered nurse must conduct a clinical nursing  
20 assessment of the client's functional status and need for nursing services and must  
21 develop a service plan for providing the services according to the client's needs and  
22 preferences. The service plan must include the frequency of supervision of the task and  
23 of the person providing the service for the client according to part 4668.0845. The service  
24 plan for delegated nursing services must be maintained as part of the service plan  
25 required under part 4668.0815.

1        Subp. 3. **Nursing services delegated to unlicensed personnel.** A registered nurse  
2        may delegate the nursing services specified in items A to I only to a person who satisfies  
3        the requirements of part 4668.0835 and possesses the knowledge and skills consistent  
4        with the complexity of the nursing task being delegated, only in accordance with  
5        Minnesota Statutes, sections 148.171 to 148.285. Nursing services that may be delegated  
6        are:

7            A. performing assistance with self-administration of medication and medication  
8        administration according to part 4668.0855;

9            B. performing routine delegated medical or nursing procedures, as provided under  
10       subpart 4;

11           C. assisting with body positioning or transfer of a client;

12           D. feeding a client who, because of the client's condition, is at risk of choking;

13           E. assisting with bowel and bladder control, devices, and training programs;

14           F. assisting with therapeutic or passive range of motion exercises;

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

16           H. during episodes of serious disease or acute illness, providing the following  
17       services or assisting a client to:

18            (1) maintain the hygiene of the client's body and immediate environment;

19            (2) satisfy nutritional needs;

20            (3) assist with the client's mobility, including movement, change of location, and  
21       positioning;

22            (4) bathe;

23            (5) maintain oral hygiene;

24            (6) dress;

- 1 (7) care for hair;
- 2 (8) use the toilet;
- 3 (9) change bedding;
- 4 (10) perform basic housekeeping; and
- 5 (11) prepare meals; and

6 I. providing central storage of medications, according to part 4668.0865.

7 Subp. 4. **Performance of routine procedures.** A person who satisfies the requirements  
8 of part 4668.0835, subpart 2, may perform delegated nursing procedures if:

9 A. before performing the procedures, the person is instructed by a registered nurse  
10 in the proper methods to perform the procedures with respect to each client;

11 B. a registered nurse specifies in writing specific instructions for performing the  
12 procedures for each client;

13 C. before performing the procedures, the person demonstrates to a registered  
14 nurse the person's ability to competently follow the procedures;

15 D. the procedures for each client are documented in the client's record; and

16 E. the assisted living home care provider licensee retains documentation by the  
17 registered nurse regarding the person's demonstrated competency.

18 Subp. 5. Information to determine delegation. The licensee must establish and  
19 implement policies to communicate up-to-date information to the registered nurse  
20 regarding the current available unlicensed personnel and their training and  
21 qualifications, so the registered nurse has sufficient information to determine the  
22 appropriateness of delegating tasks in individual situations.

23 Subp. 5- ~~6.~~ **Schedule of fines.** For a violation of the following subparts, the stated fine  
24 shall be assessed:

25 A. subpart 2, \$250;

1 B. subpart 3, \$350; ~~and~~

2 C. subpart 4, \$350; and

3 D. subpart 5, \$350.

4 **4668.0830 OTHER SERVICES PERFORMED BY UNLICENSED PERSONNEL.**

5 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
6 that provides other services performed by unlicensed personnel.

7 Subp. 2. **Other services.** A person who satisfies the requirements of part 4668.0835  
8 may perform services in the registered housing with services establishment including:

9 A. preparing modified diets, including diabetic or low sodium diets;

10 B. providing medication reminders;

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

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

15 E. assisting with dressing, oral hygiene, hair care, grooming, and bathing; and

16 F. performing home management tasks.

17 Subp. 3. **Schedule of fines.** A fine of \$350 shall be assessed for a violation of subpart  
18 2.

19 **4668.0835 QUALIFICATIONS FOR UNLICENSED PERSONNEL WHO PERFORM**  
20 **ASSISTED LIVING HOME CARE SERVICES.**

21 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
22 that provides assisted living home care services using unlicensed personnel.

23 Subp. 2. **Qualifications.** An unlicensed person may offer to perform, or be employed  
24 to perform nursing services delegated to unlicensed personnel as provided under part

1 4668.0825, other services performed by unlicensed personnel as provided under part  
2 4668.0830, or central storage of medications as provided under part 4668.0865, only if  
3 the person has:

4 A. successfully completed the training and passed the competency evaluation  
5 according to part 4668.0840, subpart 2;

6 B. successfully completed the training under part 4668.0840, subpart 3, and passed  
7 a competency evaluation according to part 4668.0840, subpart 4; or

8 C. satisfied the requirements of part 4668.0100, subpart 5.

9 Subp. 3. **In-service training and demonstration of competency.** For each unlicensed  
10 person who performs assisted living home care services, an assisted living home care  
11 provider licensee must comply with items A to C.

12 A. For each 12 months of employment, a person who performs assisted living  
13 home care services must complete at least eight hours of in-service training in topics  
14 relevant to the provision of home care services, including training in infection control  
15 required under part 4668.0065, subpart 3, obtained from the licensee or another source.

16 B. If a person has not performed assisted living home care services for a  
17 continuous period of 24 consecutive months, the person must demonstrate to a  
18 registered nurse competence according to part 4668.0840, subpart 4, item C.

19 C. A licensee must retain documentation of satisfying this part and must provide  
20 documentation to a person who completes the in-service training.

21 Subp. 4. **Documentation.**

22 A. An unlicensed person who performs assisted living home care services must  
23 provide documentation to the employing licensee of satisfying this part.

24 B. An assisted living home care provider licensee must verify that unlicensed  
25 persons employed by the licensee to perform assisted living home care services have

1 satisfied the requirements of this part, and must retain documentation in the personnel  
2 records.

3 Subp. 5. **Initiation of services by unlicensed personnel.** Before initiating delegated  
4 nursing services by unlicensed personnel, a registered nurse must orient each person  
5 who is to perform assisted living home care services to each client and to the assisted  
6 living home care services to be performed. Based on the professional judgment of the  
7 registered nurse and on the individual needs of the client, the orientation may occur  
8 onsite, verbally, or in writing.

9 Subp. 6. **Schedule of fines.** For a violation of the following subparts, the stated fine  
10 shall be assessed:

11 A. subpart 2, \$300;

12 B. subpart 3, \$300;

13 C. subpart 4, \$50; and

14 D. subpart 5, \$350.

15 **4668.0840 TRAINING AND COMPETENCY EVALUATION FOR UNLICENSED**  
16 **PERSONNEL.**

17 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
18 that provides assisted living home care services using unlicensed personnel.

19 Subp. 2. **Scope of training course and instructor.** The training required under part  
20 4668.0835, subpart 2, must:

21 A. include each assisted living home care service offered to clients that the  
22 unlicensed person will perform, taught by a registered nurse with experience or training  
23 in the subject being taught;

24 B. include the core training requirements specified in subpart 3;

25 C. include the competency evaluation required under subpart 4; and

1 D. use a curriculum that meets the requirements of this chapter and Minnesota  
2 Statutes, sections 144A.43 to 144A.48.

3 **Subp. 3. Core training of unlicensed personnel.**

4 A. An unlicensed person performing assisted living home care services must  
5 successfully complete training or demonstrate competency in the topics described in  
6 subitems (1) to (12). The required topics are:

7 (1) an overview of this chapter and Minnesota Statutes, sections 144A.43 to  
8 144A.48;

9 (2) recognizing and handling emergencies and using emergency services;

10 (3) reporting maltreatment of vulnerable minors or adults under Minnesota  
11 Statutes, sections 626.556 and 626.557;

12 (4) the home care bill of rights, Minnesota Statutes, section 144A.44;

13 (5) handling clients' complaints and reporting complaints to the Office of Health  
14 Facility Complaints;

15 (6) the services of the ombudsman for older Minnesotans;

16 (7) communication skills;

17 (8) observing, reporting, and documenting client status and the care or services  
18 provided;

19 (9) basic infection control;

20 (10) maintaining a clean, safe, and healthy environment;

21 (11) basic elements of body functioning and changes in body function that must  
22 be reported to an appropriate health care professional; and

23 (12) physical, emotional, and developmental needs of clients, and ways to work  
24 with clients who have problems in these areas, including respect for the client, the  
25 client's property, and the client's family.

1 B. The core training of unlicensed personnel must be taught by a registered nurse  
2 with experience or training in home care, except that item A, subitems (1) to (7), may be  
3 taught by another instructor under the direction of the registered nurse.

4 C. The core training curriculum must meet the requirements of this chapter and  
5 Minnesota Statutes, sections 144A.43 to 144A.48.

6 **Subp. 4. Competency evaluation.**

7 A. The competency evaluation tests required under part 4668.0835, subpart 2,  
8 items A and B, must meet the requirements of this chapter and Minnesota Statutes,  
9 sections 144A.43 to 144A.48.

10 B. A registered nurse must complete and document each competency evaluation.

11 C. To qualify to perform assisted living home care services, a person must  
12 demonstrate competency by successfully completing:

13 (1) a written, oral, or practical test of the topics in subpart 3; and

14 (2) a written, oral, or practical test of all assisted living home care provider  
15 services that the person will perform.

16 **Subp. 5. Evidence of qualifications.** An assisted living home care provider licensee  
17 that provides the training and the competency evaluation required by this part must  
18 provide each person who successfully completes the training or passes the competency  
19 evaluation with written ~~certification~~ verification of satisfying this part.

20 **Subp. 6. Schedule of fines.** For a violation of the following subparts, the stated fine  
21 shall be assessed:

22 A. subpart 2, \$300;

23 B. subpart 3, \$300;

24 C. subpart 4, \$300; and

25 D. subpart 5, \$50.



1       **4668.0845 PERIODIC SUPERVISION OF UNLICENSED PERSONNEL.**

2           Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
3 that provides assisted living home care services using unlicensed personnel.

4           Subp. 2. **Services that require supervision by a registered nurse.**

5           A. After the orientation required under part 4668.0835, subpart 5, a registered  
6 nurse must supervise, or a licensed practical nurse under the direction of a registered  
7 nurse must monitor, unlicensed persons who perform assisted living home care services  
8 that require supervision by a registered nurse at the housing with services  
9 establishment, to verify that the work is being performed adequately, identify problems,  
10 and assess the appropriateness of the care to the client's needs. Supervision or  
11 monitoring must be provided no less often than the following schedule:

12           (1) within 14 days after initiation of assisted living home care services that  
13 require supervision by a registered nurse; and

14           (2) at least every 62 days thereafter, or more frequently if indicated by a clinical  
15 nursing assessment and the client's individualized service plan.

16           B. If the unlicensed person is monitored by a licensed practical nurse, the client  
17 must be supervised by a registered nurse at the housing with services establishment at  
18 least every other visit and the licensed practical nurse must be under the direction of a  
19 registered nurse, according to Minnesota Statutes, sections 148.171 to 148.285.

20           Subp. 3. **Services that do not require supervision by a registered nurse.** After the  
21 orientation required under part 4668.0835, subpart 5, unlicensed persons who perform  
22 services listed under part 4668.0830, subpart 2, or other assisted living home care  
23 services that do not require supervision by a registered nurse must be supervised at the  
24 housing with services establishment, to verify that the work is being performed  
25 adequately, identify problems, and assess the appropriateness of the care to the client's  
26 needs. The service plan developed under part 4668.0815 must address the frequency of  
27 the supervision of each service and the appropriate person to perform the supervision.

1 Subp. 4. **Schedule of fines.** For a violation of the following subparts, the stated fine  
2 shall be assessed:

3 A. subpart 2, \$350; and

4 B. subpart 3, \$300.

5 **4668.0855 MEDICATION ADMINISTRATION AND ASSISTANCE WITH**  
6 **SELF-ADMINISTRATION OF MEDICATION.**

7 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
8 that provides medication administration or assistance with self-administration of  
9 medication by unlicensed personnel.

10 Subp. 2. ~~Clinical~~ **Nursing assessment and service plan.** For each client who will be  
11 provided with assistance with self-administration of medication or medication  
12 administration, a registered nurse must conduct a ~~clinical~~ nursing assessment of each  
13 client's functional status and need for assistance with self-administration of medication  
14 or medication administration, and develop a service plan for the provision of the  
15 services according to the client's needs and preferences. The service plan must include  
16 the frequency of supervision of the task and of the person providing the service for the  
17 client according to part 4668.0845, and must be maintained as part of the service plan  
18 required under part 4668.0815.

19 Subp. 3. **Delegation by a registered nurse.** A registered nurse may delegate  
20 medication administration or assistance with self-administration of medication only to a  
21 person who satisfies the requirements of part 4668.0835, subpart 2, and possesses the  
22 knowledge and skills consistent with the complexity of medication administration or  
23 assistance with self-administration of medication, only in accordance with Minnesota  
24 Statutes, sections 148.171 to 148.285.

25 Subp. 4. **Training for assistance with self-administration of medication or**  
26 **medication administration.** ~~Unlicensed personnel who provide~~ Before the registered

1 nurse delegates the task of assistance with self-administration of medication or the task  
2 of medication administration to an assisted living home care client must have been  
3 instructed by a registered nurse must instruct the unlicensed person on the following:

- 4 (1) the complete procedure for checking a client's medication record;
- 5 (2) preparation of the medication for administration;
- 6 (3) administration of the medication to the client;
- 7 (4) assistance with self-administration of medication;
- 8 (5) documentation, after assistance with self-administration of medication or  
9 medication administration, of the date, time, dosage, and method of administration of  
10 all medications, or the reason for not assisting with self-administration of medication or  
11 medication administration as ordered, and the signature of the nurse or authorized  
12 person who assisted or administered and observed the same; and

13 (6) the type of information regarding assistance with self-administration of  
14 medication and medication administration reportable to a nurse.

15 Subp. 5. **Administration of medications.** A person who satisfies the requirements of  
16 subpart 4 and has been delegated the responsibility by a registered nurse, may  
17 administer medications, ~~whether oral~~ orally, by suppository, through eye drops,  
18 through ear drops, by use of an inhalant, ~~topical~~ topically, ~~injectable by injection~~, or  
19 administered through a gastrostomy tube, if:

20 A. the medications are regularly scheduled; and

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

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

24 (2) within a time period that is specified by a registered nurse prior to the  
25 administration.

1        Subp. 6. **Limitations on administering medications.** A person who administers  
2 medications under subpart 3 may not draw up injectables. Medication administered by  
3 injection under subpart 5 is limited to insulin.

4        Subp. 7. **Performance of routine procedures.** A person who satisfies the training  
5 requirements of subpart 4 may perform assistance with self-administration of  
6 medication or medication administration if:

7            A. before performing the procedures, the person is instructed by a registered nurse  
8 in the proper methods to perform the procedures with respect to each client;

9            B. a registered nurse specifies in writing specific instructions for performing the  
10 procedures for each client;

11           C. before performing the procedures, the person demonstrates to a registered  
12 nurse the person's ability to competently follow the procedures;

13           D. the procedures for each client are documented in the client's records; and

14           E. the assisted living home care provider licensee retains documentation by the  
15 registered nurse regarding the person's demonstrated competency.

16        Subp. 8. **Documentation.** An assisted living home care provider licensee must retain  
17 documentation in the personnel records of the unlicensed personnel who have satisfied  
18 the training requirements of this part.

19        Subp. 9. **Medication records.** The name, date, time, quantity of dosage, and the  
20 method of administration of all prescribed legend and over-the-counter medications,  
21 and the signature and title of the authorized person who provided assistance with  
22 self-administration of medication or medication administration must be recorded in the  
23 client's record following the assistance with self-administration of medication or  
24 medication administration. If assistance with self-administration of medication or  
25 medication administration was not completed as prescribed, documentation must  
26 include the reason why it was not completed and any follow up procedures that were  
27 provided.

1 Subp. 10. **Schedule of fines.** For a violation of the following subparts, the stated fine  
2 shall be assessed:

3 A. subpart 2, \$350;

4 B. subpart 3, \$350;

5 C. subpart 4, \$300;

6 D. subpart 5, \$350;

7 E. subpart 6, \$500;

8 F. subpart 7, \$350;

9 G. subpart 8, \$50; and

10 H. subpart 9, \$300.

11 **4668.0860 MEDICATION AND TREATMENT ORDERS.**

12 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
13 when an authorized prescriber orders a medication or treatment to be administered by  
14 the licensee.

15 Subp. 2. **Prescriber's order required.** There must be a written prescriber's order for a  
16 drug for which an assisted living home care provider licensee provides assistance with  
17 self-administration of medication or medication administration, including an  
18 over-the-counter drug.

19 Subp. 3. **Medication and treatment orders.** A medication or treatment must be  
20 administered by a nurse qualified to implement the order or by an unlicensed person  
21 under the direction of a nurse and the supervision of a registered nurse, according to  
22 part 4668.0845.

23 Subp. 4. **Authorizations.** An order for medication or treatment must be dated and  
24 signed by the prescriber, except as provided by subparts 6 and 7, and must be current  
25 and consistent with the ~~clinical~~ nursing assessment required under part 4668.0855,  
26 subpart 2.

4668.0860

1       Subp. 5. **Content of medication orders.** An order for medication must contain the  
2 name of the drug, dosage indication, and directions for use.

3       Subp. 6. **Verbal orders.** Upon receiving an order verbally from a prescriber, a nurse  
4 must:

5           A. record and sign the order; and

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

8       Subp. 7. **Electronically transmitted orders.**

9           A. An order received by telephone, facsimile machine, or other electronic means  
10 must be kept confidential according to Minnesota Statutes, sections 144.335 and  
11 144A.44.

12           B. An order received by telephone, facsimile machine, or other electronic means  
13 must be communicated to the supervising registered nurse within one hour of receipt.

14           C. An order received by electronic means, not including facsimile machine, must  
15 be immediately recorded or placed in the client's record by a nurse and must be  
16 countersigned by the prescriber within 62 days.

17           D. An order received by facsimile machine must have been signed by the  
18 prescriber and must be immediately recorded or a durable copy placed in the client's  
19 record by a person authorized by the assisted living home care provider licensee.

20       Subp. 8. **Implementation of order.** When an order is received, the assisted living  
21 home care provider licensee or an employee of the licensee must take action to  
22 implement the order within 24 hours of receipt of the order.

23       Subp. 9. **Renewal of orders.** A medication or treatment order must be renewed at  
24 least every 12 months or more frequently as indicated by the ~~clinical~~ nursing assessment  
25 required under part 4668.0855, subpart 2.

1 Subp. 10. **Schedule of fines.** For a violation of the following subparts, the stated fine  
2 shall be assessed:

3 A. subpart 2, \$350;

4 B. subpart 3, \$350;

5 C. subpart 4, \$350;

6 D. subpart 5, \$350;

7 E. subpart 6, \$350;

8 F. subpart 7, item A, \$250;

9 G. subpart 7, item B, \$300;

10 H. subpart 7, item C, \$300;

11 I. subpart 7, item D, \$300;

12 J. subpart 8, \$500 per day; and

13 K. subpart 9, \$100.

14 **4668.0865 CENTRAL STORAGE OF MEDICATION.**

15 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
16 that provides central storage of medications.

17 Subp. 2. **Clinical Nursing assessment and service plan.** For a client for whom  
18 medications will be centrally stored, a registered nurse must conduct a clinical nursing  
19 assessment of a client's functional status and need for central medication storage, and  
20 develop a service plan for the provision of that service according to the client's needs  
21 and preferences. The service plan must include the frequency of supervision of the task  
22 and of the person providing the service for the client according to part 4668.0845. The  
23 service plan for central storage of medication must be maintained as part of the service  
24 plan required under part 4668.0815.

1        **Subp. 3. Control of medications.**

2            A. A registered nurse or pharmacist must establish and maintain a system that  
3 addresses the control of medications, handling of medications, medication containers,  
4 medication records, and disposition of medications.

5            B. The system must contain at least the following provisions:

6            (1) a statement of whether the staff will provide medication reminders,  
7 assistance with self-administration of medication, medication administration, or a  
8 combination of those services;

9            (2) a description of how the distribution and storage of medications will be  
10 handled, including a description of suitable storage facilities;

11           (3) the procedures for recording medications that clients are taking;

12           (4) the procedures for storage of legend and over-the-counter drugs;

13           (5) a method of refrigeration of biological medications; and

14           (6) the procedures for notifying a registered nurse when a problem with  
15 administration, recordkeeping, or storage of medications is discovered.

16        **Subp. 4. Over-the-counter drugs.** An over-the-counter drug may be retained in  
17 general stock supply and must be kept in the original labeled container.

18        **Subp. 5. Legend drugs.** A legend drug must be kept in its original container bearing  
19 the original prescription label with legible information stating the prescription number,  
20 name of drug, strength and quantity of drug, expiration date of a time-dated drug,  
21 directions for use, client's name, prescriber's name, date of issue, and the name and  
22 address of the licensed pharmacy that issued the medications.

23        **Subp. 6. Medication samples.** A sample of medication provided to a client by an  
24 authorized prescriber may be used by that client, and must be kept in its original  
25 container bearing the original label with legible directions for use. If assistance with



1 self-administration of medication or medication administration is provided by the  
2 assisted living home care provider licensee, a client's plan of care must address the use  
3 of a medication sample.

4 Subp. 7. **Prohibitions.** No legend drug supply for one client may be used or saved for  
5 the use of another client.

6 Subp. 8. **Storage of drugs.** An assisted living home care provider licensee providing  
7 central storage of medications must store all drugs in locked compartments under  
8 proper temperature controls and permit only authorized nursing personnel to have  
9 access to keys.

10 Subp. 9. **Storage of Schedule II drugs.** An assisted living home care provider licensee  
11 providing central storage of medications must provide separately locked compartments,  
12 permanently affixed to the physical plant or medication cart, for storage of controlled  
13 drugs listed in Minnesota Statutes, section 152.02, subdivision 3.

14 Subp. 10. **Schedule of fines.** For a violation of the following subparts, the stated fine  
15 shall be assessed:

16 A. subpart 2, \$350;

17 B. subpart 3, \$300;

18 C. subpart 4, \$300;

19 D. subpart 5, \$300;

20 E. subpart 6, \$300;

21 F. subpart 7, \$300;

22 G. subpart 8, \$300; and

23 H. subpart 9, \$300.

24 **4668.0870 DISPOSITION OF MEDICATIONS.**

25 Subpart 1. **Scope.** This part applies to an assisted living home care provider licensee  
26 that provides central storage of medications.

1       Subp. 2. **Drugs given to discharged clients.** Current medications belonging to a client  
2 must be given to the client, or the client's responsible person, when the client is  
3 discharged or moves from the housing with services establishment. An assisted living  
4 home care provider licensee must document in the client's record to whom the  
5 medications were given.

6       Subp. 3. **Disposition of medications.**

7           A. Unused portions of a controlled substance remaining in a housing with services  
8 establishment after death or discharge of the client for whom the controlled substance  
9 was prescribed, or any controlled substance discontinued permanently, must be  
10 disposed of by contacting the Minnesota Board of Pharmacy, which shall furnish the  
11 necessary instructions and forms, a copy of which shall be kept on file by the assisted  
12 living home care provider licensee for two years.

13           B. Unused portions of a legend drug remaining in a housing with services  
14 establishment after the death or discharge of the client for whom the legend drug was  
15 prescribed, or any legend drug permanently discontinued, must be destroyed by the  
16 assisted living home care provider licensee or a designee of the licensee, in the presence  
17 of a pharmacist or nurse who shall witness the destruction. A notation of the destruction  
18 listing the date, quantity, name of drug, prescription number, signature of the person  
19 destroying the drugs, and signature of the witness to the destruction must be recorded  
20 in the client's record.

21       Subp. 4. **Loss or spillage.** When a loss or spillage of a Schedule II drug occurs, an  
22 explanatory notation must be made in the client's record. The notation must be signed  
23 by the person responsible for the loss or spillage and by one witness who must also  
24 observe the destruction of any remaining contaminated drug by flushing into the sewer  
25 system or wiping up the spill.

26       Subp. 5. **Schedule of fines.** For a violation of the following subparts, the stated fine  
27 shall be assessed:

- 1           A. subpart 2, \$300;
- 2           B. subpart 3, \$300; and
- 3           C. subpart 4, \$300.