

# MINNESOTA STATUTES 1977 SUPPLEMENT

## NURSING HOMES 144A.04

### 144.805 Class C driver's license.

Any person driving an ambulance shall have a valid class C Minnesota driver's license.

[ 1977 c 37 s 5 ]

### 144.808 Inspections.

The state board of health may inspect ambulance services as frequently as deemed necessary. These inspections shall be for the purpose of determining that the ambulance and equipment is clean and in proper working order and if the operator is in compliance with sections 144.801 to 144.804 and any rules that the state board of health adopts related to sections 144.801 to 144.804.

[ 1977 c 37 s 6 ]

### 144.809 Renewal of emergency medical technician's certificate, fee.

No fee set by the state board of health for biennial renewal of an emergency medical technician's certificate by a member of a volunteer ambulance service or volunteer fire department shall exceed \$2.

[ 1977 c 37 s 7 ]

### 144.8091 Reimbursement to nonprofit ambulance services.

Subdivision 1. Any political subdivision, or nonprofit hospital or nonprofit corporation operating a licensed ambulance service shall be reimbursed by the state board of health for the necessary expense of the initial training of a volunteer ambulance attendant upon successful completion by the attendant of an emergency care course which has been approved by the state board of health, pursuant to section 144.804. Reimbursable expense may include tuition, transportation, food, lodging, hourly payment for time spent in the training course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant be reimbursed more than \$210.

Subd. 2. For purposes of this section, "volunteer ambulance attendant" means a person who provides emergency medical services for a licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the person's livelihood. An individual may be considered a volunteer ambulance attendant even though that individual receives an hourly stipend for each hour of actual service provision, except for hours on standby alert, even though this hourly stipend is regarded as taxable income for purposes of state or federal law, provided that this hourly stipend does not exceed \$500 in the year in which the individual received his training.

Subd. 3. Reimbursements authorized by subdivision 1 shall only be paid for volunteer ambulance attendants commencing and completing training after July 1, 1977.

[ 1977 c 427 s 1 ]

### 144.952 Subdivision 1. [ Repealed, 1977 c 347 s 23 ]

Subd. 3. [ Repealed, 1977 c 347 s 23 ]

## CHAPTER 144A. NURSING HOMES

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144A.10	Inspection; board of health; fines.	144A.61	Nursing assistant training.
144A.19	Board of examiners for administrators; creation, membership.	144A.611	Reimbursable expenses payable to nursing assistants.
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### 144A.04 Qualifications for license.

[For text of subs 1 and 2, see M.S.1976]

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Subd. 3. The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the board of health with respect to the construction, equipment, maintenance and operation of a nursing home. The board of health may temporarily waive compliance with one or more of the standards if it determines that:

(a) Temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) A controlling person on behalf of all other controlling persons:

(1) Has entered into a contract to obtain the materials or labor necessary to meet the standard set by the board of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to meet the standard.

The board of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the board if the board determines that the needs of the residents of the home will be adequately met by a lesser amount of nursing care.

*[For text of subs 4 to 6, see M.S.1976]*

*[ 1977 c 326 s 2 ]*

## 144A.05 License renewal.

Unless the license expires in accordance with section 144A.06 or is suspended or revoked in accordance with section 144A.11, a nursing home license shall remain effective for a period of one year from the date of its issuance. The board of health by rule shall establish forms and procedures for the processing of license renewals. The board of health shall approve a license renewal application if the facility continues to satisfy the requirements, standards and conditions prescribed by sections 144A.01 to 144A.17 and the rules promulgated thereunder. Except as provided in section 144A.08, a facility shall not be required to submit with each application for a license renewal additional copies of the architectural and engineering plans and specifications of the facility. Before approving a license renewal, the board of health shall determine that the facility's most recent balance sheet and its most recent statement of revenues and expenses, as audited by the state auditor, by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222, have been received by the department of public welfare.

*[ 1977 c 326 s 3 ]*

## 144A.10 Inspection; board of health; fines.

*[For text of subd 1, see M.S.1976]*

Subd. 2. **Inspections.** The board of health shall annually inspect each nursing home to assure compliance with sections 144A.01 to 144A.17 and the rules promulgated thereunder. The annual inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 the representative of the board of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted. The second inspection need not be a full inspection. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the board of health who willfully gives or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with chapter 43. An inspection re-

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quired by a federal rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision may be in addition to or in conjunction with the reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the board of health from making more than one unannounced inspection of any nursing home during its license year. The board of health shall coordinate its inspections of nursing homes with inspections by other state and local agencies.

[For text of subs 3 and 4, see M.S.1976]

Subd. 5. **Reinspections.** A nursing home issued a correction order under this section shall be reinspected at the end of the period allowed for correction. The reinspection may be made in conjunction with the next annual inspection or any other scheduled inspection. If upon reinspection the representative of the board of health determines that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the nursing home. The notice shall specify the violations not corrected and the fines assessed in accordance with subdivision 6.

[For text of subs 6 to 9, see M.S.1976]

[ 1977 c 326 s 4,5 ]

### **144A.19 Board of examiners for administrators; creation, membership.**

[For text of subd 1, see M.S.1976]

Subd. 2. Membership terms, compensation of members, removal of members, the filling of membership vacancies, fiscal year and reporting requirements, the provision of staff, administrative services and office space, the review and processing of complaints, the setting of board fees and other provisions relating to board operations for the board of examiners shall be as provided in chapter 214.

Subd. 3. The provision of staff; administrative services and office space, the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

[ 1977 c 347 s 24; 1977 c 444 s 10 ]

### **144A.21 Administrator licenses.**

Subdivision 1. A nursing home administrator's license shall not be transferable.

[For text of subd 2, see M.S.1976]

Subd. 3. [ Repealed, 1977 c 444 s 21 ]

Subd. 4. [ Repealed, 1977 c 444 s 21 ]

[ 1977 c 444 s 11 ]

### **144A.25 [ Repealed, 1977 c 444 s 21 ]**

### **144A.251 Mandatory proceedings.**

In addition to its discretionary authority to initiate proceedings under section 144A.24 and chapter 214, the board of examiners shall initiate proceedings to suspend or revoke a nursing home administrator license or shall refuse to renew a license if within the preceding two year period the administrator was employed at a nursing home which during the period of his employment incurred the following number of uncorrected violations, which violations were in the jurisdiction and con-

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trol of the administrator and for which a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

[ 1977 c 444 s 12 ]

### 144A.61 Nursing assistant training.

[For text of subd 1, see M.S.1976]

Subd. 2. **Nursing assistants.** For the purposes of sections 144A.61 and 144A.611 "nursing assistant" means a nursing home employee, including a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse. The commissioner of education may, by rule, establish categories of nursing assistants who are not required to comply with the educational requirements of sections 144A.61 and 144A.611.

Subd. 3. **Curricula.** The commissioner of education shall develop curricula which may be used for nursing assistant training programs for employees of nursing homes. The curricula, as reviewed and evaluated by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs.

[For text of subd 4, see M.S.1976]

Subd. 5. [ Repealed, 1977 c 326 s 18 ]

Subd. 6. **Training program.** Each nursing assistant hired to work in a nursing home on or after January 1, 1979, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

[For text of subds 7 and 8, see M.S.1976]

[ 1977 c 326 s 6,7; 1977 c 453 s 26 ]

NOTE: Subdivision 6 was also amended by Laws 1977, Chapter 326, Section 8, to read as follows:

"Subd. 6. **Training program.** Each nursing assistant hired to work in a nursing home on or after July 1, 1978, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class."

### 144A.611 Reimbursable expenses payable to nursing assistants.

Subdivision 1. **Nursing homes.** The actual costs of tuition and reasonable expenses for that approved program deemed by the commissioner of education to be minimally necessary to protect the health and welfare of nursing home residents, which are paid to nursing home assistants pursuant to subdivision 2, shall be a reimbursable expense for nursing homes under the provisions of chapter 256B and the rules promulgated thereunder.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 326 s 9 ]