

**144A.4605 CLASS F PROVIDER.**

Subdivision 1. **Definitions.** For purposes of this section, the term "class F home care provider" means a home care provider who provides nursing services, delegated nursing services, other services performed by unlicensed personnel, or central storage of medications solely for residents of one or more housing with services establishments registered under chapter 144D.

Subd. 2. **Class F home care license established.** A home care provider license category entitled class F home care provider is hereby established. A home care provider may obtain a class F license if the program meets the following requirements:

(a) nursing services, delegated nursing services, other services performed by unlicensed personnel, or central storage of medications under the class F license are provided solely for residents of one or more housing with services establishments registered under chapter 144D;

(b) unlicensed personnel perform home health aide and home care aide tasks identified in Minnesota Rules, parts 4668.0100, subparts 1 and 2, and 4668.0110, subpart 1. Qualifications to perform these tasks shall be established in accordance with subdivision 3;

(c) periodic supervision of unlicensed personnel is provided as required by rule;

(d) notwithstanding Minnesota Rules, part 4668.0160, subpart 6, item D, client records shall include:

(1) daily records or a weekly summary of home care services provided;

(2) documentation each time medications are administered to a client; and

(3) documentation on the day of occurrence of any significant change in the client's status or any significant incident, such as a fall or refusal to take medications.

All entries must be signed by the staff providing the services and entered into the record no later than two weeks after the end of the service day, except as specified in clauses (2) and (3);

(e) medication and treatment orders, if any, are included in the client record and are renewed at least every 12 months, or more frequently when indicated by a clinical assessment;

(f) the central storage of medications in a housing with services establishment registered under chapter 144D is managed under a system that is established by a registered nurse and addresses the control of medications, handling of medications, medication containers, medication records, and disposition of medications; and

(g) in other respects meets the requirements established by rules adopted under sections 144A.45 to 144A.47.

Subd. 3. **Training or competency evaluations required.** (a) Unlicensed personnel must:

(1) satisfy the training or competency requirements established by rule under sections 144A.45 to 144A.47; or

(2) be trained or determined competent by a registered nurse in each task identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, when offered to clients in a housing with services establishment as described in paragraphs (b) to (e).

(b) Training for tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, shall use a curriculum which meets the requirements in Minnesota Rules, part 4668.0130.

(c) Competency evaluations for tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, must be completed and documented by a registered nurse.

(d) Unlicensed personnel performing tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, shall be trained or demonstrate competency in the following topics:

- (1) an overview of sections 144A.43 to 144A.47 and rules adopted thereunder;
- (2) recognition and handling of emergencies and use of emergency services;
- (3) reporting the maltreatment of vulnerable minors or adults under sections 626.556 and 626.557;
- (4) home care bill of rights;
- (5) handling of clients' complaints and reporting of complaints to the Office of Health Facility Complaints;
- (6) services of the ombudsman for long-term care;
- (7) observation, reporting, and documentation of client status and of the care or services provided;
- (8) basic infection control;
- (9) maintenance of a clean, safe, and healthy environment;
- (10) communication skills;
- (11) basic elements of body functioning and changes in body function that must be reported to an appropriate health care professional; and
- (12) physical, emotional, and developmental needs of clients, and ways to work with clients who have problems in these areas, including respect for the client, the client's property, and the client's family.

(e) Unlicensed personnel who administer medications must comply with rules relating to the administration of medications in Minnesota Rules, part 4668.0100, subpart 2, except that unlicensed personnel need not comply with the requirements of Minnesota Rules, part 4668.0100, subpart 5.

Subd. 4. **License required.** (a) A housing with services establishment registered under chapter 144D that is required to obtain a home care license must obtain a class F home care license according to this section or a class A or class B license according to rule. A housing with services establishment that obtains a class B license under this subdivision remains subject to the payment limitations in sections 256B.0913, subdivision 5f, paragraph (b), and 256B.0915, subdivision 3d.

(b) A board and lodging establishment registered for special services as of December 31, 1996, and also registered as a housing with services establishment under chapter 144D, must deliver home care services according to sections 144A.43 to 144A.47, and may apply for a waiver from requirements under Minnesota Rules, parts 4668.0002 to 4668.0240, to operate a licensed agency under the standards of section 157.17. Such waivers as may be granted by the department will expire upon promulgation of home care rules implementing section 144A.4605.

(c) A class F home care provider licensed under this section must comply with the disclosure provisions of section 325F.72 to the extent they are applicable.

Subd. 5. **License fees.** The license fees for class F home care providers shall be as follows:

(1) \$125 annually for those providers serving a monthly average of 15 or fewer clients, and for class F providers of all sizes during the first year of operation;

(2) \$200 annually for those providers serving a monthly average of 16 to 30 clients;

(3) \$375 annually for those providers serving a monthly average of 31 to 50 clients; and

(4) \$625 annually for those providers serving a monthly average of 51 or more clients.

Subd. 6. **Waiver.** Upon request of the home care provider, the commissioner may waive the provisions of this section relating to registered nurse duties.

**History:** 1997 c 113 s 6; 1Sp1997 c 5 s 2; 1998 c 254 art 1 s 33,34; 1998 c 407 art 2 s 82; 1999 c 245 art 2 s 30; 1Sp2001 c 9 art 1 s 40; 2002 c 252 s 10-12,24; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 2 s 12; 2006 c 282 art 19 s 3; 2007 c 147 art 7 s 75; 2014 c 275 art 1 s 134

**NOTE:** This section is repealed by Laws 2014, chapter 275, article 1, section 134, effective July 1, 2015.