

1.1 A bill for an act

1.2 relating to health-related licensing; requiring licensing for assisted living
1.3 administrators; amending Minnesota Statutes 2006, section 144A.19, subdivision
1.4 1; proposing coding for new law in Minnesota Statutes, chapter 144A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 144A.19, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Creation; membership.** (a) There is hereby created the Board of
1.9 Examiners for ~~Nursing Home~~ Long-Term Care Administrators which shall consist of
1.10 the following members:

1.11 ~~(a)~~ (1) a designee of the commissioner of health who shall be a nonvoting member;

1.12 ~~(b)~~ (2) a designee of the commissioner of human services who shall be a nonvoting
1.13 member; ~~and~~

1.14 (3) a designee of the Office of Ombudsman for Long-Term Care who shall be a
1.15 nonvoting member; and

1.16 ~~(c)~~ (4) the following members appointed by the governor:

1.17 ~~(1)~~ (i) two members actively engaged in the management, operation, or ownership of
1.18 proprietary nursing homes;

1.19 ~~(2)~~ (ii) two members actively engaged in the management or operation of nonprofit
1.20 nursing homes;

1.21 (iii) two members actively engaged in the management or operation of proprietary
1.22 assisted living facilities;

1.23 (iv) two members actively engaged in the management or operation of nonprofit
1.24 assisted living facilities;

- 2.1 ~~(3)~~ (v) one member actively engaged in the practice of medicine;
- 2.2 ~~(4)~~ (vi) one member actively engaged in the practice of professional nursing; ~~and~~
- 2.3 ~~(5)~~ (vii) three public members as defined in section 214.02; and
- 2.4 (viii) one member from a public nonprofit statewide consumer advocacy group.
- 2.5 (b) At least 50 percent of the membership of the board shall consist of representatives
- 2.6 who reside outside the following nine-county metropolitan area: Anoka, Carver, Chisago,
- 2.7 Dakota, Hennepin, Isanti, Ramsey, Scott, and Washington counties.

2.8 **Sec. 2. [144A.245] ASSISTED LIVING ADMINISTRATOR LICENSES.**

2.9 Subdivision 1. **License required.** The Board of Examiners for Long-Term

2.10 Care Administrators shall develop and enforce standards for licensing assisted living

2.11 administrators, who act as administrators of assisted living services under chapter 144G,

2.12 or assisted living facilities under chapter 144G. The board of examiners shall promulgate

2.13 rules to establish licensure criteria for assisted living administrators.

2.14 Subd. 2. **Criteria.** The board of examiners shall establish qualification criteria for

2.15 assisted living administrators, and may issue licenses to qualified persons as assisted living

2.16 administrators. No license may be issued to a person as an assisted living administrator

2.17 unless that person:

- 2.18 (1) is at least 21 years of age and otherwise suitably qualified;
- 2.19 (2) has satisfactorily met standards set by the board of examiners, which shall be
- 2.20 designed to assure that assisted living administrators will be individuals who, by training
- 2.21 and experience, are qualified to serve as assisted living administrators; and
- 2.22 (3) has passed an examination approved by the board and designed to test for
- 2.23 competence in the subject matters referred to in clause (2), or has been approved by
- 2.24 the board of examiners through the development and application of other appropriate
- 2.25 techniques.

2.26 Subd. 3. **Continuing education requirements.** At the time of license renewal, each

2.27 licensee shall provide evidence satisfactory to the board that the licensee has completed,

2.28 in the preceding year, 20 continuing education credits of acceptable continuing education

2.29 activities as specified by the board. Licensees in their first year of licensure shall have

2.30 the number of continuing education credits required for license renewal prorated for the

2.31 number of months they were licensed during the preceding year.

2.32 Subd. 4. **Fees.** The board of examiners may impose the following fees:

- 2.33 (1) application fee, \$100;
- 2.34 (2) license fee, \$100;
- 2.35 (3) license renewal fee, \$60;

- 3.1 (4) acting permit fee, \$150;
3.2 (5) license verification fee, \$30;
3.3 (6) examination fee, \$75;
3.4 (7) less than seven continuing education hours, \$35;
3.5 (8) seven or more continuing education hours, \$55;
3.6 (9) education providers initial review, \$250.

3.7 **Sec. 3. [144A.246] ADMINISTRATOR'S LICENSE; PENALTY.**

3.8 No person shall act as an assisted living administrator or purport to be an assisted
3.9 living administrator unless that person is licensed by the Board of Examiners for
3.10 Long-Term Care Administrators. A violation of this section is a gross misdemeanor.

3.11 **EFFECTIVE DATE.** This section is effective December 31, 2009.

3.12 **Sec. 4. APPROPRIATION.**

3.13 \$75,000 is appropriated from the state government special revenue fund for
3.14 fiscal year 2009 to the Board of Examiners for Long-Term Care Administrators for the
3.15 rulemaking process and to administer licensing of assisted living administrators. This
3.16 appropriation is in addition to the funds appropriated to the Board of Examiners for
3.17 Nursing Home Administrators in Laws 2007, chapter 147, article 19, section 6.

3.18 **Sec. 5. REVISOR'S INSTRUCTION.**

3.19 The revisor of statutes shall change the term "Board of Examiners for Nursing Home
3.20 Administrators" to "Board of Examiners for Long-Term Care Administrators," wherever
3.21 in Minnesota Statutes and Minnesota Rules, the term appears.