

CHAPTER 6400**BOARD OF EXECUTIVES FOR LONG TERM SERVICES AND SUPPORTS
LICENSING OF NURSING HOME ADMINISTRATORS****GENERAL**

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GENERAL

6400.5000 SCOPE.

This chapter applies to:

A. individuals who:

(1) are applicants or prospective applicants for licensure as nursing home administrators under Minnesota Statutes, section 144A.20;

(2) are applicants for designation as acting administrators under Minnesota Statutes, section 144A.27;

(3) are applicants or prospective applicants for licensure as health services executives under Minnesota Statutes, section 144A.26;

(4) are licensees of the board;

(5) hold permits issued by the board to serve as acting administrators under Minnesota Statutes, section 144A.27, or to serve as assisted living directors in residence under part 6400.7080; and

(6) are applicants or prospective applicants for licensure as assisted living directors;

B. individuals and organizations that sponsor continuing education programs to enable licensees to update their knowledge and meet license renewal requirements;

C. academic institutions that offer courses to meet the academic course requirements for nursing home administrator licensure; and

D. academic institutions that offer courses to meet the academic course requirements for assisted living directors.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 24 SR 1780; 45 SR 753; 45 SR 1073*

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6400.5100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Accredited.** "Accredited" means approved by a regional accrediting organization for higher education.

Subp. 3. **Acting administrator.** "Acting administrator" means an individual, designated by the controlling persons of the employing nursing facility, who has been issued a permit by the board under part 6400.6770.

Subp. 3a. **Administrator in residence or AIR.** "Administrator in residence" or "AIR" means an individual who works, as part of a formal AIR program, under the guidance and supervision of a preceptor who is a licensed administrator or a health services executive meeting the qualifications established for preceptors by their respective states.

Subp. 3b. **Administrator in residence program or AIR program.** "Administrator in residence program" or "AIR program" means a supervised internship during which the AIR works under the guidance and supervision of a preceptor who is a licensed administrator or health services executive meeting the qualifications established for preceptors by their respective states.

Subp. 4. **Assistant administrator.** "Assistant administrator" means an individual who reports to the nursing home administrator, assumes charge of the facility in the administrator's absence, and has ongoing managerial and supervisory authority over both administrative and resident care functions, operations, and staff in a nursing facility.

Subp. 4a. **Assistant director.** "Assistant director" means an individual who reports to the assisted living director, assumes charge of the assisted living facility in the director's absence, and has ongoing managerial and supervisory authority over both administrative and resident care functions, operations, and staff in an assisted living facility.

Subp. 4b. **Assisted living contract.** "Assisted living contract" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 5.

Subp. 4c. **Assisted living director or director.** "Assisted living director" or "director" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 6.

Subp. 4d. **Assisted living director in residence or ALDIR.** "Assisted living director in residence" or "ALDIR" means an individual, designated by the controlling individuals of the employing assisted living facility, who has been issued a permit by the board under part 6400.7080.

Subp. 4e. **Assisted living facility.** "Assisted living facility" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 7.

Subp. 4f. **Assisted living facility with dementia care.** "Assisted living facility with dementia care" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 8.

Subp. 4g. **Assisted living services.** "Assisted living services" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 9.

Subp. 5. **Board.** "Board" means the Minnesota Board of Executives for Long Term Services and Supports.

Subp. 6. **CE credit or continuing education credit.** "CE credit" or "continuing education credit" means a unit of measurement of continuing education activity.

Subp. 7. **Clock hour.** "Clock hour" means an instructional session of 60 consecutive minutes, excluding breaks, registration, meals, and social activities.

Subp. 7a. **Controlling individual.** "Controlling individual" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 15.

Subp. 7b. **Delegation of authority policy.** "Delegation of authority policy" means the individual assisted living facility policy that identifies the director and chain of command in the event of the absence of the director, ensuring that, at all times, an individual on site has been designated as the responsible individual for long-term services and supports.

Subp. 8. **Director of nurses.** "Director of nurses" means the individual designated by a nursing facility to perform duties consistent with the responsibilities of the director of nursing services under part 4658.0505, whether in Minnesota or another jurisdiction.

Subp. 9. **Domains of practice.** "Domains of practice" means the tasks performed by long-term care administrators and the knowledge, skills, and abilities identified as necessary to perform those tasks by NAB in its job analysis of long-term care administrator. The NAB domains of practice for long-term care administrator are found in the Final Report of the Job Analysis of the Practice of Long-term Care Administrators prepared for the National Association of Boards of Examiners for Long-Term Care Administrators. This document is incorporated by reference. It is available on the board's website and is subject to change every five years.

Subp. 9a. [Repealed, 45 SR 1073]

Subp. 9b. **Health services executive or HSE.** "Health services executive" or "HSE" means an individual who has been validated by NAB as a health services executive and has met the education and practice requirements for the minimum qualifications of a nursing home administrator, assisted living director, and home and community-based services provider. The HSE meets the Minnesota requirement for the administrator of record, required for the Centers for Medicare and Medicaid Services (CMS) minimum requirements of participation.

Subp. 9c. **Higher education.** "Higher education" means education at a public or private university, college, community college, or technical college.

Subp. 10. **License.** "License" means a written document issued by the board to indicate that the bearer has been found by the board to meet all requirements for practice as a licensed nursing home administrator, health services executive, or licensed assisted living director in Minnesota. It includes an original license issued for meeting the requirements of part 6400.6000 or 6400.7005, a renewal license issued for meeting the requirements of part 6400.6700 or 6400.7065, and a reinstated license issued under part 6400.6750 or 6400.7070. It does not include a permit to serve as an acting administrator or director in residence.

Subp. 11. **Licensee.** "Licensee" means an individual who holds a valid license to practice as a nursing home administrator, health services executive, or licensed assisted living director granted by the board under this chapter.

Subp. 11a. **Long-term care administrator.** "Long-term care administrator" means an individual who manages the daily operations and staff of long-term services and supports communities. A long-term care administrator oversees business management, health care services, and personal supports for the communities they manage. All licensed health services executives, licensed nursing home administrators, and licensed assisted living directors are long-term care administrators.

Subp. 11b. **Manager.** "Manager" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 35.

Subp. 11c. **Managerial official.** "Managerial official" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 36.

Subp. 11d. **Mentor.** "Mentor" means the licensed assisted living director or licensed health services executive directing the field experience of the assisted living director in residence.

Subp. 12. **NAB.** "NAB" means the National Association of Boards of Examiners for Long-Term Care Administrators, Inc.

Subp. 13. **Nursing facility.** "Nursing facility" means a facility licensed as a nursing home to provide nursing care to five or more persons under Minnesota Statutes, sections 144A.02 to 144A.10, by the Minnesota Department of Health or a similar facility licensed under similar provisions in another jurisdiction.

Subp. 14. **Nursing home administrator.** "Nursing home administrator" means an individual who has the responsibilities outlined in part 4658.0060 in a nursing facility in Minnesota or another jurisdiction and is licensed by the licensing authority of the jurisdiction responsible for the facility.

Subp. 14a. **Ombudsman.** "Ombudsman" has the meaning given in Minnesota Statutes, section 144G.08, subdivision 46.

Subp. 15. **Permit.** "Permit" means the acting license referred to in Minnesota Statutes, section 144A.27, which, for purposes of this chapter, is a temporary authorization issued by the board to an individual who meets the qualifications of part 6400.6770 or 6400.7080.

Subp. 16. **Preceptor.** "Preceptor" means a nursing home administrator or health services executive who meets the standards in part 6400.6600, subpart 3, and supervises an applicant for licensure during the practicum course.

Subp. 16a. **Professional degree.** "Professional degree" means a degree that prepares an individual to work in a particular profession often meeting the academic requirements for licensure or accreditation.

Subp. 16b. **Professional practice analysis.** "Professional practice analysis" means the analysis used to identify the domains of practice, tasks performed, knowledge needed, and skills used by individuals responsible for leadership in organizations that provide long-term services and supports.

Subp. 16c. **Quality assurance performance improvement or QAPI.** "Quality assurance performance improvement" or "QAPI" means a procedure that seeks to ensure continuous quality improvement. QAPI is not a standardized procedure but challenged by unique environmental factors and leadership skills to encourage and support people.

Subp. 17. **Related individual.** "Related individual" means a spouse, natural or adoptive parent, stepparent, natural or adoptive grandparent, stepgrandparent, natural or adoptive child, sibling, guardian, stepbrother, stepsister, aunt, uncle, niece, nephew, first cousin, or spouse of any person named in the above groups even after the marriage ends by death or divorce.

Subp. 18. **Resident.**

A. "Resident," when used in parts 6400.5200 to 6400.6900, means an individual living in a nursing facility.

B. "Resident," when used in parts 6400.7000 to 6400.7095, means an individual living in an assisted living facility who has executed an assisted living contract.

Subp. 19. **Root cause analysis or RCA.** "Root cause analysis" or "RCA" means a method of problem-solving used for identifying the root causes of faults or problems.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 24 SR 1780; 41 SR 599; 45 SR 753; 45 SR 1073*

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6400.5150 APPLICABILITY.

Parts 6400.5200 to 6400.6900 apply to nursing home administrators and health services executives.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *45 SR 753*

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6400.5200 USE OF TITLE.

Subpart 1. **Licensed nursing home administrator.** Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Nursing Home Administrator" and the abbreviation "L.N.H.A." after the individual's name.

Subp. 2. **Licensed health services executive.** Only an individual who is qualified as a licensed health services executive and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Health Services Executive" and the abbreviation "L.H.S.E." after the individual's name.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 45 SR 753

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6400.6000 LICENSURE REQUIREMENTS.

Subpart 1. **License; nursing home administrator.** The board shall issue an individual a license to practice as a nursing home administrator in Minnesota upon determining that the individual:

- A. has filed a completed application for licensure under part 6400.6100;
- B. meets the requirements specified in Minnesota Statutes, section 144A.20;
- C. has obtained a bachelor's degree from an accredited postsecondary institution;

D. has passed the national examination for nursing home administrator developed by NAB to test knowledge of subjects pertinent to the domains of practice of nursing home administration as identified in the NAB job analysis for nursing home administrator;

E. has passed the state examination given by the board to test knowledge of Minnesota laws and rules governing nursing facility operations in Minnesota;

F. has presented evidence, as specified in part 6400.6570, that the applicant has satisfactorily completed courses in each of the areas specified in part 6400.6550, or qualifies for waivers under part 6400.6560;

G. has successfully completed a criminal background check;

H. has not had an application rejected by the board under part 6400.6100, subpart 5; and

I. has paid the required fees.

Subp. 2. **License; health services executive.** The board shall issue an individual a license to practice as a health services executive in Minnesota upon determining that the individual:

A. has filed a completed application for licensure under part 6400.6100;

B. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;

C. has passed the state examination given by the board to test knowledge of Minnesota laws governing nursing facility operations in Minnesota;

D. has passed the state examination given by the board to test knowledge of Minnesota laws governing assisted living facilities in Minnesota;

E. has successfully completed a criminal background check;

F. has not had an application rejected by the board under part 6400.6100, subpart 5; and

G. has paid the required fees.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 45 SR 753

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6400.6100 APPLYING FOR LICENSURE.

Subpart 1. **Application contents.** An individual applying for licensure shall do so electronically or on forms provided by the board. The information requested shall include personal identifying and locating data including name, home and work addresses and telephone numbers, active e-mail addresses, and Social Security number; education and degree information; employment and practice history; licensure and disciplinary history; and information relating to criminal convictions, use of alcohol and drugs, and other issues which may reflect on ability and fitness to practice. The application shall also include a recent full-face two-inch by three-inch photograph affixed to the application as indicated and notarized as a true likeness. The notary seal shall be placed next to the picture and shall fall partly upon the photograph and partly upon the application.

Subp. 2. **Applicant responsibility.** An applicant must provide the board with all information, documents, and fees necessary to meet licensure requirements.

Subp. 3. **Application expiration.** Applications expire 18 months after the date the application form is filed with the board. If the applicant does not fulfill all licensure requirements within the 18-month application period, the applicant must resubmit the application and another application fee to continue to seek licensure.

Subp. 4. **Examination attempts and score expiration.**

A. If an applicant does not pass the NAB or state examination on the second attempt, the applicant must submit to the board a study plan and wait six months from the date of the examination attempt to sit for the examination a third time. If an applicant does not pass the NAB or state examination on the third attempt, the applicant must submit a revised study plan and wait one year from the date of the third examination attempt to sit for the examination a fourth time. The applicant may also be required to reapply in order to comply with subpart 3.

B. Examination scores expire two years after the date the examination was taken if the applicant has not become fully licensed within that two years.

Subp. 5. **Grounds for rejection.** The board shall reject an applicant who does not meet the requirements of part 6400.6000 within the time period of application validity. The board may reject an applicant who has been found to have committed acts in this or any other jurisdiction which, if performed by a licensee of the Minnesota board, would be grounds for discipline under part 6400.6900, subpart 1, taking into account the considerations in part 6400.6900, subpart 3.

Subp. 6. **Notice of rejection.** An applicant for licensure whose application has been rejected by the board shall be given written notice of the disqualification and the reasons for it and of the right to a hearing under Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 41 SR 599; 45 SR 753

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COURSE REQUIREMENTS

6400.6400 GENERAL COURSE REQUIREMENTS.

An applicant for licensure must satisfactorily complete courses to prepare the applicant to perform the duties of a nursing home administrator. The courses must include those specified in part 6400.6550.

Statutory Authority: *MS s 16A.1285; 144A.21; 144A.24; 214.06*

History: 21 SR 1564; 45 SR 753

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6400.6500 [Repealed, 45 SR 753]

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6400.6550 SPECIFIC COURSE REQUIREMENTS.

Subpart 1. **Organizational management.** An applicant must complete a course in organizational management covering the basic management functions of:

- A. planning and objective setting;
- B. organizing and delegating; and
- C. observing, monitoring, and evaluating outcomes, including customer satisfaction.

Subp. 2. **Health care accounting.** An applicant must complete a course in health care accounting, beyond introductory accounting, covering:

- A. budgeting and fiscal resource allocation; and
- B. interpreting financial information to monitor financial performance and position and to make managerial decisions.

Subp. 3. **Gerontology.** An applicant must complete a course in gerontology covering:

- A. the physical, social, and psychological aspects of the aging process; and
- B. programs and services designed to meet the needs of the aged population.

Subp. 4. **Health care and medical needs.** An applicant must complete a course in health care and medical needs of nursing facility residents covering:

- A. the anatomic and physiologic changes that are associated with the aging process;
- B. the impact and management of common syndromes associated with aging, including vision and hearing impairment, nutrition and malnutrition, and balance and mobility impairment;

- C. basic medical and pharmacological terminology;
- D. prevention and management of conditions such as pressure ulcers and delirium;
- E. common psychiatric and neurodegenerative disorders such as dementias (including Alzheimer's), depression, anxiety, psychotic disorders, and alcohol and drug abuse;
- F. advance care planning and the role of palliative care and end-of-life care; and
- G. emerging medical trends and technology used in the long-term services and supports setting.

Subp. 5. **Long-term services and supports.** An applicant must complete a course in the organization, operations, functions, services, and programs of long-term services and supports covering:

- A. governing and oversight bodies and their relationship to the administrator;
 - B. administrative responsibilities and structures;
 - C. operations and functions of each facility department;
 - D. functions and roles of professional and nonprofessional staff and consulting personnel;
- and
- E. issues of cultural diversity and human relationships between and among employees and residents of nursing facilities and their family members.

Subp. 6. **Human resources.** An applicant must complete a course in human resource management covering:

- A. staffing;
- B. equal employment opportunity, affirmative action, and workforce diversity;
- C. compensation and benefits;
- D. coaching and performance management;
- E. training and development;
- F. labor relations, including union contract negotiation and administration;
- G. employment law; and
- H. workplace culture, accountability and fairness, just culture and learning concepts.

Subp. 7. **Regulatory management.** An applicant must complete a course in regulatory management covering the legal, regulatory, and funding provisions and requirements governing operations of long-term services and supports and health care programs including:

- A. resident rights, resident choice, resident risk, and protection from maltreatment;

- B. professional and biomedical ethics, including advance directives;
- C. guardianship and conservatorship;
- D. liability, negligence, and malpractice;
- E. data confidentiality, privacy, and practices;
- F. professional licensing, certification, and reporting for staff and consulting personnel;
- G. health and safety codes, including OSHA and the National Life Safety Code;
- H. Medicare and Medicaid, standards for managed care and subacute care, and third-party payer requirements and reimbursement;
- I. federal and state nursing home survey and compliance regulations and processes;
- J. requirements affecting the quality of care and life of residents, including measurement of outcomes from clinical and resident-satisfaction perspectives;
- K. resident acuity and assessment methodology;
- L. quality assessment and assurance; and
- M. customer choice.

Subp. 8. **Quality measurement and performance improvement.** An applicant must complete a course in the accumulation and analysis of data to inform management decision making including:

- A. strategic uses of data and information;
- B. data accumulation, storage, integration from multiple sources, manipulation, and presentation;
- C. needs assessment and analysis methodologies;
- D. measures, analysis, and assessment of outcomes, including customer satisfaction and quality improvement;
- E. utilizing quality measurement and performance improvement tools and methodologies; and
- F. problem-solving skills.

Subp. 9. **Practicum.** An applicant must complete or have waived, based upon prior experience under part 6400.6655, subpart 2, a practicum course as described in part 6400.6600.

Subp. 10. **Effective date.** An applicant who applies on or after September 1, 2017, must follow the requirements in this part.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 41 SR 599; 45 SR 753; 45 SR 1073

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6400.6560 WAIVER OF ALL COURSE REQUIREMENTS.

Subpart 1. **Waiver of all course requirements.** The board shall waive part 6400.6550 if the applicant meets all other licensure requirements and submits satisfactory evidence of having actively and effectively served full time for a minimum of two continuous years within the immediate past five years as the licensed nursing home administrator and chief executive officer of one or more nursing facilities in a single jurisdiction regulated by the licensing board of that jurisdiction. Time working as an acting administrator under an acting license or permit or as an administrator in residence does not count to meet this requirement. To determine the effectiveness of the applicant's service, the board shall review the results of the two most recent regulatory inspections of the nursing facilities administered by the applicant.

Subp. 2. [Repealed, 24 SR 1780]

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 24 SR 1780; 45 SR 753

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6400.6570 EVIDENCE OF COURSE COMPLETION.

Subpart 1. **Types of evidence.** Evidence to verify satisfactory completion of requirements specified in part 6400.6550 must consist of one or more of the following:

A. transcripts showing completion at an accredited academic institution of a course of study approved by NAB as providing coverage of the domains of practice identified in the job analysis performed by NAB for nursing home administrator;

B. transcripts or attestation of the program director showing completion of an academic program designated by the board as an approved academic program under part 6400.6660; or

C. transcripts and other supporting documentation such as course outlines, course catalog descriptions, and text coverage information, showing completion of individual academic courses taken for credit at an accredited postsecondary institution which meet the requirements of part 6400.6550, provided that applicants may supplement evidence of completion of an accredited academic course which covers at least two-thirds of the topics listed in part 6400.6550, subpart 1, 4, 5, 6, 7, or 8, with evidence of completion of continuing education courses for the remaining topics. The continuing education courses must be approved by the board in the same manner as the board reviews and approves clock hours for continuing education courses for licensees under part 6400.6870, subparts 2 and 3.

Subp. 2. **Supplementing evidence older than seven years.** Evidence presented under subpart 1 for completion of academic programs, including the practicum course, or academic courses taken more than seven years prior to the submittal of the information to the board must be supplemented by either:

A. evidence that the applicant has been employed within the immediate past seven years in activities requiring use of the knowledge gained in the course; or

B. evidence that the applicant has completed continuing education within the past two years to renew and update knowledge gained in any academic course taken more than seven years prior.

Subp. 3. **No additional fees required.** No fees in excess of fees associated with the standard application process may be charged to applicants for review of continuing education courses submitted as evidence to meet course requirements.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 45 SR 753*

Published Electronically: *January 22, 2021*

6400.6600 PRACTICUM COURSE.

Subpart 1. **Requirements and content.** The practicum course must be the NAB administrator in residence program with a completed assessment or a course approved by the board and taken for academic credit at an accredited postsecondary institution. It must provide practical learning experiences to complement the student's academic training and work or volunteer experience in long-term services and supports, general health care, and management. Except as provided in subpart 1a, the practicum must include, but need not be limited to, the following:

A. a rotation through the departments of the nursing facility to provide the student exposure to and knowledge of all functions of the nursing facility. Whenever possible, the student shall be assigned to perform tasks not requiring special skill or licensure within each department. The time to be spent in each department for a student with prior experience shall vary in relation to the prior experience of the student. The time to be spent by a student without prior experience in management, health care, or long-term services and supports must be divided approximately equally between administrative and resident care departments. The rotation experience of every student must include time at the facility during all work shifts;

B. participation in or review of the findings and results of regulatory inspections of the facility;

C. observation of the integrative and administrative role of the administrator through attendance with the administrator at meetings with staff, governing bodies, community groups, resident councils, and other groups;

D. observation of the relationships between the facility and community and other health care providers and organizations operating in the continuum of health care;

E. participation in an in-service education session;

F. completion of a major project, study, or research effort designed to improve operations at the facility or provide information upon which a major decision facing the facility and its management can be made; and

G. after assessment, the completion of a QAPI or RCA on identified areas of need.

Subp. 1a. **Exception to requirements and content.** Subpart 1, items B and E, need not be included in the practicum of a student taking a practicum of 200 hours or less if the student has participated in the specified activities during prior health care work experience.

Subp. 2. **Facility requirements.** The practicum course must be conducted within a nursing facility and require the student's attention to practicum activities at the facility for at least 20 hours per week. Upon mutual agreement of the academic institution and nursing facility preceptor, a licensed nursing facility may serve as the practicum site for a student who is employed by the nursing facility, provided that the student is relieved of all previous duties during the time of the practicum experience.

Subp. 3. **Preceptor requirements.** The practicum must be supervised by a preceptor who is a currently licensed nursing home administrator or health services executive who has been licensed and practicing as a nursing home administrator or health services executive for at least two years. A preceptor may not supervise a student who is a related individual or who resides in the immediate household of the preceptor.

Subp. 4. **Faculty requirements.** Each student practicum must be coordinated with a faculty advisor from an academic institution. The faculty advisor shall work cooperatively with the preceptor to review results of student practicum experiences in the preceptor's facility. The faculty advisor shall consult periodically with each student enrolled in the practicum to review the student's experience and assist the student in relating the facility practicum experience to the other required academic courses.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 45 SR 753; 45 SR 1073*

Published Electronically: *June 4, 2021*

6400.6650 [Repealed, 45 SR 753]

Published Electronically: *January 22, 2021*

6400.6655 PRACTICUM DURATION.

Subpart 1. **Duration of individual student practicums.** An applicant must complete a 1,000-hour practicum unless the applicant presents evidence to the board that the applicant has experience as described in subpart 2 for a reduction in the number of practicum hours. The board shall determine the minimum number of hours of practicum to be completed by an applicant by comparing the applicant's expertise to the requirements in subpart 2 and shall notify the applicant of the board's decision.

Subp. 2. **Waiver and minimum number of hours.** An individual may qualify for a reduction in hours or waiver of the 1,000-hour practicum by providing evidence of the following documented health care experience and satisfying the board-approved assessment tool:

A. 750 hours for an individual with two or more years of managerial or administrative employment experience, including supervision of at least 25 employees and responsibility for an annual budget of at least \$1,000,000;

B. 750 hours for an individual who has two or more years of employment in a hospital or nursing facility in any professional capacity or in any direct patient care capacity;

C. 500 hours for an individual who has served two or more years as a department manager with supervisory and budgetary responsibility or meets one or more of the following criteria:

(1) the individual does not meet the requirements for assistant administrator under item D or the definition in part 6400.5100, but has otherwise held that title in a nursing facility or hospital and has performed under the title for two or more years;

(2) the individual has served, for two or more years, as director of nurses in a hospital or registered housing with services establishment that has an arranged comprehensive home care license; or

(3) the individual has served as a housing manager in an assisted living facility or registered housing with services establishment that has an arranged comprehensive home care license;

D. 200 hours for an individual who has served one or more years as a full-time hospital administrator or hospital assistant administrator with responsibility for both resident care and administrative functions, or who has served two or more years as a full-time director of nurses in a nursing facility; or

E. the documented experience requirement is waived for an individual who has one year of continuous full-time employment as the assistant administrator, chief executive officer, senior leadership person with a nursing home administrator or health services executive reporting directly to them, or an equivalent role with responsibility for both resident care and administrative functions. Time working as an acting administrator under an acting license or permit in the same nursing facility where the individual also served as the assistant administrator, chief executive officer, or equivalent role meets this requirement if the individual's employment under both titles combined was one continuous year.

Subp. 3. **Method of measuring experience.** The amount of experience required to qualify for a practicum reduction under subpart 2, items C, D, and E, shall be measured in full-time equivalency at the rate of 35 hours per week.

Subp. 4. **Effective date.** An applicant who applies on or after September 1, 2017, must follow the requirements in this part.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *41 SR 599; 45 SR 753*

Published Electronically: *January 22, 2021*

6400.6660 ACADEMIC PROGRAM REVIEW.

Subpart 1. **Program review and approval.** Upon request of an academic institution, the board shall review courses offered by the institution, and upon finding conformity between the proposed program and the requirements of this chapter, shall approve the institution as offering courses which meet all or some portion of the course requirements for licensure. If the institution offers courses which are approved by the board to meet all course requirements of part 6400.6550, the board shall designate the institution as an approved academic program. If the institution offers courses approved by the board to meet five or more of the courses required in part 6400.6550, the board shall designate the institution as an approved course provider.

Subp. 2. **Requesting course review.** In submitting a program of study offered by an academic institution to meet all or some of the course requirements, the institution shall provide the following information in an application package for review by the board:

A. indication of whether the institution is requesting designation as an approved program or as an approved course provider;

B. evidence of the institution's current accreditation by a regional accrediting organization for higher education;

C. designation of a faculty member to serve as program director to coordinate the institution's program or course offerings with the board. The program director shall have authority to accept courses of equivalent content to those accepted by the board to fulfill academic course requirements specified in part 6400.6550 from students transferring to the institution and the program and from students enrolled in the program who cannot arrange class schedules to permit timely completion of the board-approved courses. The program director must report approval of courses so substituted to the board for each affected student who makes application for licensure to the board;

D. evidence of the establishment and use of an advisory group of administrators and others in the long-term services and supports industry, including names and experience of group members and frequency of meetings, to review course requirements and practicum activities in order to provide guidance to keep courses current and make student experiences reality based and practical;

E. a description of the course of study offered or recommended by the institution for those interested in licensure as a nursing home administrator in Minnesota. Nothing in this chapter restricts institutions from designing or implementing curricula, or establishing requirements for courses, majors, or other designations offered by the institution, more comprehensive than required under this chapter for licensure;

F. a topic-by-topic review of all course requirements outlined in part 6400.6550 showing where and how within the institution's course offerings the outlined topics are covered;

G. an outline of each course offered by the institution to fulfill one or more of the licensure course requirements listing texts and materials used in the course; and

H. identification of one or more qualified faculty members to:

- (1) coordinate practicum experiences for students;
- (2) ensure that all practicums are conducted according to the requirements of part 6400.6660;
- (3) provide instruction, or evidence of the use of the NAB preceptor training materials and self-assessment, to any administrator becoming a preceptor for the first time after September 1, 1997, regarding objectives for the practicum and procedures to follow to structure and supervise a successful practicum experience for a student; and
- (4) ensure that each practicum is initiated with a signed learning agreement between the student, faculty advisor, and preceptor outlining the roles and responsibilities of all three parties, the time to be spent by the student in each facility department in relation to the student's prior experience, and the learning outcomes expected for the student.

Subp. 3. **Review and approval process.** Upon receipt of an application package for approval of an academic institution program to meet board course requirements, the board shall acknowledge receipt of the request and identify any missing requirements to the program director. Upon receipt of all required information, the board shall review all materials presented and may conduct an on-site visit or request an appearance by one or more representatives of the institution at a meeting to review all material for conformance to requirements. Board members shall base their decision to approve or reject an academic institution program on whether or not the application materials presented provide assurance that students completing the program at the institution will cover the course topics outlined in part 6400.6550 with sufficient depth to enable the board to infer student attainment of the knowledge, skills, and abilities to begin work as a nursing home administrator. If the application package and discussion with program officials fail to show compliance with the rules or to provide sufficient evidence to satisfy the board members that they can infer beginning level competency among students completing the proposed course offerings, the board shall notify the program director in writing of the deficiencies the institution must remedy. Once all deficiencies are satisfactorily remedied, the board shall grant approval to the program or courses in writing and include reference to the institution's offerings in its correspondence with students interested in learning where courses approved by the board to meet licensure requirements are available. If the deficiencies are not corrected, the board shall deny approval for the program by written notice to the program director.

Subp. 4. **Annual update.** Annually on or before September 1, the program director of an institution with an approved program or courses shall file with the board on forms prescribed by the board for that purpose a report indicating the following:

- A. number of students with known intent to pursue licensure as nursing home administrators in Minnesota enrolled during the past academic year in courses meeting board requirements;
- B. any changes in any of the information presented to satisfy the requirements outlined in this part and part 6400.6550 since the initial application or since the update report of the preceding year; and

C. to the extent available, a schedule of when throughout the academic year the approved courses will be offered by the institution.

Subp. 5. Five-year program review.

A. Every fifth year following the board's initial approval of an academic institution's program or courses, the program director shall provide a complete review of the institution's program by submitting to the board by September 1 of the fifth year, a review application package in the same format and incorporating the same information as required in subpart 2 for a new program approval application. Where no change has occurred since the initial application, the program director may submit a copy of the initially submitted information with an updated date and attestation that the information is current.

B. The board shall review the five-year program review package submitted by the institution and approve or deny continued board approval for the program as provided in subpart 3. Where the board finds it necessary to deny continued approval to a program or to specific courses, the board shall provide information to the program director about ways in which students currently enrolled in the program may obtain supplementary or alternative courses to complete the requirements for licensure in view of the revocation of approval for courses offered by the institution. The program director shall provide the information to all students enrolled in the previously approved program or courses and shall work with the students to provide a smooth transition to alternative institutions offering approved courses.

C. In addition to the five-year program review, if the board receives information that the success rates fall below the national average for candidates from the program who, during any January 1 through December 31 period, wrote for the first time the national examination for nursing home administrators developed by NAB, the board must take one of the actions described in subitems (1) to (3).

(1) If success rates are below the national average for one period, the board shall require the director to identify factors that are potentially affecting the low success rate on the licensure examination. The director shall submit a plan of corrective action by a specified date. The plan of action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If the following year the success rate is above the national average, no action by the board is required.

(2) If success rates are below the national average for any two consecutive periods, the board shall notify the director of a survey to identify additional factors affecting the low success rate and review progress on the plan for corrective action submitted the previous year. The survey must include the director, faculty, students, and an institutional administrative academic representative. The director shall submit a revised plan of corrective action by a specified date. The plan of corrective action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If the following year the success rate is above the national average, no action is required by the board.

(3) If success rates are below the national average for any three consecutive periods, the board shall require the director and another institutional administrative academic representative

to meet with a committee of board members and board staff for a survey for compliance with all applicable rules and for the implementation of the plan for corrective action submitted the previous year. Upon completion of the survey, the board shall take action in compliance with subpart 3.

Subp. 6. [Repealed, 41 SR 599]

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 41 SR 599; 45 SR 753; 45 SR 1073*

Published Electronically: *June 4, 2021*

LICENSES AND PERMITS

6400.6700 ENDORSEMENT.

Subpart 1. **License; nursing home administrator.** The board shall issue a license to a nursing home administrator who has been issued and currently holds a license as a nursing home administrator in another jurisdiction provided that:

A. the other jurisdiction maintains requirements for nursing home administrator licensure which are substantially equivalent to those required under part 6400.6000 or the applicant is currently certified as a nursing home administrator and provides the board evidence of having successfully completed a professional certification program in nursing facility administration endorsed by NAB;

B. the applicant has passed the Minnesota state examination within the immediate past two years;

C. the applicant is in good standing as a nursing home administrator in each jurisdiction from which the applicant has ever received a nursing home administrator license; and

D. the applicant has applied for licensure and paid the applicable fees.

Subp. 2. **License; health services executive.** The board shall issue a license to a health services executive who has been issued and currently holds a license as a health services executive in another jurisdiction provided that the applicant:

A. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;

B. is in good standing as a health services executive in each jurisdiction from which the applicant has ever received a health services executive license;

C. has passed the state examination given by the board to test knowledge of Minnesota laws governing nursing home facilities in Minnesota;

D. has passed the state examination given by the board to test knowledge of Minnesota laws governing assisted living facilities in Minnesota; and

E. has applied for licensure and paid the applicable fees.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 24 SR 1780; 45 SR 753

Published Electronically: January 22, 2021

6400.6710 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as a nursing home administrator or health services executive and operation of a nursing facility in Minnesota;

B. provide notice to the board within five working days of any change in mailing address or telephone number pursuant to Minnesota Statutes, section 13.41, subdivision 2, paragraph (b);

C. provide notice to the board within five working days of any change in employment as a nursing home administrator or health services executive for a nursing facility;

D. provide notice to the board within five working days of the occurrence of any reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action or the bringing of charges against any license the licensee holds as a nursing home administrator, health services executive, or other health care professional in Minnesota or any other jurisdiction; and

E. cooperate with the board by providing data, reports, or information requested by the board and complying with requests to attend conferences, meetings, or hearings scheduled by the board concerning license renewal or complaint investigation and discipline.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 24 SR 1780; 41 SR 599; 45 SR 753

Published Electronically: January 22, 2021

6400.6720 DISPLAYING LICENSES.

A licensee actively practicing shall display the board-issued license, not a photocopy, in a conspicuous place in the facility which the licensee administers, visible to residents and visitors.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 41 SR 599; 45 SR 753

Published Electronically: January 22, 2021

6400.6730 DUPLICATE LICENSES.

Upon receipt of a notarized statement from a licensee that the licensee's license has been lost, mutilated, or destroyed, or that the licensee has had a name change, the board shall issue a duplicate license. Licensees obtaining duplicate licenses are subject to the applicable fee under part 6400.6970.

Statutory Authority: *MS s 16A.1285; 144A.21; 144A.24; 214.06*

History: 21 SR 1564

Published Electronically: June 11, 2008

6400.6740 RENEWING LICENSES.

Subpart 1. **Forms, time for renewal.** Every individual who holds a valid license issued by the board shall annually apply to the board on or before June 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board on forms provided for that purpose. The applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.6800, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. **Fees.** Upon making an application for license renewal, the licensee shall pay the annual fee. If submitting CE credits which include clock hours for workshops, seminars, institutes, or home study courses which have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of nonpreapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by June 30 of each year, the license shall lapse and the holder of a lapsed license shall be subject to the reinstatement procedure and late renewal fees.

Subp. 3. **Exemption from renewal.** Pursuant to Minnesota Statutes, section 326.56, a licensee who is in active military service, as defined in Minnesota Statutes, section 190.05, for the armed forces of the United States or is employed outside the United States in employment that is essential to the prosecution of any war or the national defense, as defined in Minnesota Statutes, section 326.56, and whose license was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew licensure. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active service or termination of the aforementioned employment. A license renewal notice shall be sent to the licensee at the time that a license renewal notice would normally be sent to the licensee. The licensee may be requested to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for license renewal must be met.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 41 SR 599; 45 SR 753

Published Electronically: January 22, 2021

6400.6750 LICENSE REINSTATEMENT.

A nursing home administrator or health services executive previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed. If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.6000.

A. If a license has been lapsed in Minnesota for less than two years prior to the date of the application for reinstatement, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed; and
- (3) pays the license renewal and late fees in part 6400.6970 for each of the years the license has lapsed.

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as a nursing home administrator or health services executive in one or more other jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees specified in part 6400.6970 for each of the years the license has lapsed; and
- (4) successfully completes the state examination.

C. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has not been continuously licensed in one or more jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.6800, subpart 2, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees specified in part 6400.6970 for each of the years the license has lapsed;
- (4) successfully completes the state examination; and
- (5) successfully completes the NAB examination.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 45 SR 753

Published Electronically: January 22, 2021

6400.6760 VERIFICATION OF MINNESOTA LICENSE.

Upon request and payment of a fee under part 6400.6970 by the licensee, the board shall issue a certified statement of the licensee's licensure status and examination scores to another jurisdiction.

Statutory Authority: *MS s 16A.1285; 144A.21; 144A.24; 214.06*

History: 21 SR 1564

Published Electronically: June 11, 2008

6400.6770 ACTING ADMINISTRATOR PERMITS.

Subpart 1. **Board to issue permits.** When the controlling persons of a nursing home designate an acting nursing home administrator under Minnesota Statutes, section 144A.27, the designee must secure an acting administrator's permit within 30 days of the termination of the previous licensed administrator. The board shall issue a permit to serve a facility as an acting administrator for up to six months from the termination of the facility's previous licensed administrator to an individual who meets the qualifications specified in subpart 2. A permit to serve a facility as an acting administrator is valid only for the holder's work with that facility and shall not be transferable to another facility. A permit to serve as acting administrator is not renewable beyond the six months for which it was issued. The board may issue a second permit to serve a facility as an acting administrator for up to six months from the expiration of the original acting administrator permit when the board finds the second permit to be in the best interests of the public. In no event shall the board issue successive permits for a total duration of longer than one year.

Subp. 2. **Qualifications.** An applicant for a permit to serve a facility as an acting nursing home administrator must furnish satisfactory evidence that the applicant:

A. has graduated from high school or holds a commissioner of education-selected high school equivalency certification or has completed an associate or higher degree from an accredited postsecondary institution;

B. is at least 21 years of age;

C. has experience in the management of a nursing home or related facility or program or has completed a majority of the courses required for licensure under part 6400.6550;

D. has passed within the last two years the state examination under parts 6400.6000, item E, and 6400.6100, subpart 4; and

E. is in good standing in each jurisdiction from which the applicant has ever received a nursing facility administrator license.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: 21 SR 1564; 24 SR 1780; 41 SR 599; 45 SR 753; L 2017 1Sp5 art 10 s 7

Published Electronically: January 22, 2021

CONTINUING EDUCATION

6400.6800 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Renewal requirements.** At the time of license renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed in the preceding year 20 CE credits of acceptable continuing education activities as specified in this part and part 6400.6850. Licensees in their first year of licensure shall have the number of CE credits required for license renewal prorated for the number of months they were licensed during the preceding year. For purposes of obtaining and presenting CE credits, a year shall run from May 1 to April 30.

Subp. 2. **Evidence of CE requirement completion.** Licensees must maintain proof as described in part 6400.6850 of having completed the number of CE credits claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of credits claimed. Documentation to prove completion of CE credits must be maintained by each licensee for four years from the last day of the licensure year in which the credits were earned.

Subp. 3. **Audit.** The board shall annually select on a random basis at least five percent of the licensees applying for renewal to have their claims of CE credits audited for compliance with board requirements. Nothing in this subpart shall prevent the board from requiring any individual licensee to provide evidence satisfactory to the board of having completed the CE credits required for license renewal.

Subp. 4. **Acceptable content for CE activities.** Unless otherwise specified in part 6400.6850, the content of continuing education activities must relate to one or more of the following:

- A. administration of services for persons needing long-term services and supports;
- B. current issues and trends in long-term services and supports;
- C. the relationship of long-term services and supports to other aspects of the health care continuum; and
- D. responsibilities, tasks, knowledges, skills, and abilities required to perform nursing home administrator or health services executive functions as outlined in the NAB domains of practice.

Subp. 5. **Unacceptable content for CE activities.** Subjects for continuing education which will not be accepted to meet license renewal requirements include, but are not limited to, general personal development including stress management, facility or company orientation, facility or company policies or procedural issues, organizational functions such as business meetings and election of officers, and medical treatment at a clinical level beyond that required for licensure as a nursing home administrator or health services executive.

Subp. 6. **Requirements; subject areas.** When compelled by an advancement in scope of practice or emerging long-term services and supports issues, the board shall require all licensees to attend continuing education programs in specified subject areas after giving public written notice to each licensee on or before May 1.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 45 SR 753; 45 SR 1073*

Published Electronically: *June 4, 2021*

6400.6850 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of CE credits that licensees may obtain for each are described in items A to K.

A. A licensee who attends board-approved seminars, webinars, institutes, or workshops shall receive CE credit on a clock-hour basis for the actual amount of time spent in the seminar rounded to the nearest lower one-quarter hour. To verify clock hours of attendance at seminars, institutes, or workshops, a licensee must maintain an attendance certificate provided by the sponsoring organization.

B. A licensee who completes board-approved home study courses, including correspondence work, televised courses, and audio or video tapes, shall receive CE credit for the number of clock hours reasonably required to complete the home study course as determined by the board. To verify completion of the course, the licensee must maintain a certificate of course completion from the sponsor which must include evidence of successful completion of a test corrected by the sponsor to ascertain attainment of the knowledge conveyed in the course.

C. A licensee who attends seminars, webinars, institutes, or workshops, or completes home study courses approved by the NAB/National Continuing Education Review Service (NCERS), shall receive CE credit on the basis of clock hours assigned by NAB/NCERS. To verify clock hours of attendance at NAB approved seminars, institutes, or workshops, or completion of NAB approved home study courses, the licensee must maintain a certificate provided by the NAB approved sponsor.

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the nursing home administrator or health services executive licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, institutes, or workshops approved by another state licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the approval from the state licensing authority.

E. A licensee who completes academic courses applicable to the domains of practice taken at an accredited postsecondary institution shall receive nine CE credits per quarter credit and 12 CE credits per semester credit. To verify completion of academic courses the licensee must maintain a copy of an academic transcript showing the course grade and date it was awarded.

F. A licensee who writes an article on a topic related to long-term services and supports that is published in a national periodical shall receive two CE credits for an article of 500 to 1,000

words and one additional CE credit for each additional 500 words to a maximum of ten credits per year. To verify publication the licensee must maintain a copy of the periodical containing the published article.

G. A licensee who presents a paper or lecture on a topic related to long-term services and supports of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously presented material to a maximum of ten CE credits per year. To verify the presentation, the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture on a topic related to long-term services and supports of at least one hour at an academic institution or through a course provider shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously developed material to a maximum of ten CE credits per year. To verify lecture delivery, the licensee shall maintain corroboration from the participating academic institution.

I. A licensee who serves as a member of a board, committee, council, or work group which includes members from several nursing facilities or organizations and deals primarily with issues in nursing facility operation or long-term services and supports shall receive CE credit per membership position held provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation the licensee must maintain written verification of membership and attendance from an officer of the group and must provide the learning objectives of the meeting.

J. A licensee who serves as a preceptor for a student's nursing facility administration practicum shall receive two CE credits per month spent serving as a preceptor to a maximum of 16 CE credits per year. To verify preceptor service the licensee must maintain corroboration of service from the participating academic institution. A licensee who attends training sessions to prepare administrators to be preceptors shall receive CE credit on the same clock-hour basis as for seminars, institutes, and workshops under item A.

K. Other continuing education activities not specified in items A to J may be approved for up to ten CE credits per year on an individual basis upon submission of information to the board concerning the activity in which the licensee has engaged, the results of the learning, the number of hours involved, the number of CE credits requested, and some means of verifying completion of the activity. The board shall consider the information submitted and determine whether to approve the activity and, if so, what number of CE credits to award for the activity and shall notify the requesting licensee of the board's determination. In making its determination, the board shall consider whether the activity contributed to the advancement and extension of professional skill and knowledge of the licensee in matters related to the practice of nursing facility administration.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 41 SR 599; 45 SR 753; 45 SR 1073*

Published Electronically: *June 4, 2021*

6400.6870 SPONSORING CONTINUING EDUCATION.

Subpart 1. **Applying for program approval.** Individuals, groups, or organizations wishing to sponsor educational seminars, institutes, workshops, or home study programs shall submit the following, in writing, to the board to obtain review and approval for clock hours of CE credit for licensees to use in meeting continuing education requirements for license renewal:

- A. date, time, and location of presentation;
- B. presentation content, showing specific time periods, topic titles, and speakers including their professional qualifications;
- C. number of clock hours requested to be approved;
- D. a statement indicating the sponsor's willingness to maintain a means of verifying attendance and provide each attendee a certificate of attendance or other appropriate means of attesting to the number of clock hours actually attended by each attendee;
- E. for home study programs, evidence of a testing process to measure the participant's attainment of knowledge and information provided in study materials; and
- F. a fee under part 6400.6970 based on the number of clock hours requested to be reviewed and approved.

Subp. 2. **Licensee sponsored programs and courses.** A licensee who attends a seminar, institute, or workshop, or participates in a home study course which has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board office:

- A. a copy of the seminar program or other document identifying the program content and other information required of program sponsors under subpart 1, items A to C; and
- B. a fee in the same amount as would be charged to a sponsor under part 6400.6970, based on the total number of clock hours requested to be reviewed and approved.

Subp. 3. **Review of sponsor requests.** The board shall review sponsor requests and approve CE credit clock hours for programs with acceptable content, qualified presenters, and acceptable means of verifying attendance or measuring knowledge attainment under subpart 1 and part 6400.6800, subpart 4, and notify the requesting sponsor of the decision.

Subp. 4. **Designation of registered continuing education sponsors.** An organization which annually sponsors many educational seminars, institutes, workshops, or home study courses, may request designation by the board as a registered continuing education sponsor on an annual basis beginning May 1 and ending April 30. Registered continuing education sponsors may assign CE credit clock hours to their own program offerings applying the provisions of this chapter. The board

shall review and approve requests for designation and authority as a registered continuing education sponsor provided the requesting agency meets the following requirements:

A. the sponsor is a regionally accredited university or college or division thereof or a state or national membership organization in the field of health care;

B. the sponsor has been a proven sponsor of continuing education programs acceptable to the board under subpart 3, for the two years preceding the request to be named a registered sponsor;

C. the sponsor has complied fully with the board's criteria for sponsors of continuing education programming;

D. the sponsor has made application on forms prescribed by the board and paid a nonrefundable filing fee of ten percent of the registered continuing education sponsor fee as specified in part 6400.6970;

E. the sponsor has signed an agreement to comply with the rules of the board in assigning clock hours to continuing education programs, providing certificates of attendance to participants, and providing the board with pertinent information concerning sponsored programs; and

F. the sponsor has paid the balance of the registered sponsor fee specified in part 6400.6970 within 30 days of notification by the board of approval of the organization as a registered continuing education sponsor.

Subp. 5. Performance review of registered sponsors. The board shall review performance of registered sponsors annually upon the sponsor's request to renew the one-year sponsor agreement with the board or more frequently if determined necessary in the judgment of the board and may remove registered sponsor status from an organization upon 30 days' notice if the sponsor has been found to violate the terms of the agreement with the board.

Subp. 6. Course program provider waiver. A course program provider approved by the board is exempt from the annual fee by validating attendance and recording and merging the verified attendance records with the board's online continuing education attendance system.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 45 SR 753*

Published Electronically: *January 22, 2021*

DISCIPLINE

6400.6900 GROUNDS FOR DISCIPLINE.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as an acting administrator, or a licensee, when the board determines, by a preponderance of the evidence and after due notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

A. has been convicted of a felony or gross misdemeanor, including a finding or verdict of guilt, whether or not the adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea, when the felony or gross misdemeanor is reasonably related to the practice of nursing home administration, as evidenced by a certified copy of the conviction;

B. has been convicted of a crime against a minor, including a finding or verdict of guilt, whether or not adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea;

C. is not eligible to be employed as a nursing home administrator or health services executive under Minnesota Statutes, section 144A.04, subdivision 6;

D. has failed to comply with Minnesota Statutes, section 626.557, the Vulnerable Adult Act;

E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to administration of a nursing facility or to the responsibilities of a nursing home administrator or health services executive;

F. has discriminated against any resident or employee, based on age, race, sex, religion, color, creed, national origin, marital status, status with regard to public assistance, sexual orientation, or disability;

G. has committed acts of misconduct substantially related to the qualifications, function, or duties of a nursing home administrator or health services executive and evidenced unfitness to perform as a nursing home administrator or health services executive in a manner consistent with protecting resident health, safety, and welfare;

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of nursing home administration, that adversely affects the individual's ability or fitness to practice as a nursing home administrator or health services executive;

I. has engaged in unprofessional conduct or any other conduct with potential for causing harm to the public or facility residents including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice, as specified in state and federal statutes and rules concerning administration of nursing home facilities, without actual injury having to be established;

J. has failed to exercise true regard for the safety, health, or life of a resident;

K. has willfully permitted the unauthorized or illegal disclosure of information relating to a resident;

L. has engaged in sexual harassment, made sexual advances toward, or engaged in sexual contact with any resident, student, or trainee under the licensee's supervision, or engaged in sexual harassment of an employee, consultant, or visitor to the facility in which the licensee practices;

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material misstatement of fact, in securing, procuring, renewing, or maintaining a license;

N. has used the licensee's professional status, title, position, or relationship as a licensee to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member or visitor, employee, or any person served by or doing business with the nursing facility that the licensee administers or is employed by;

O. has paid, given, has caused to be paid or given, or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage. Nothing in this item shall be construed to limit or restrict commercial advertisement;

P. has knowingly aided, advised, or allowed an unlicensed person to engage in the unlicensed practice of nursing home administration;

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is administrator or health services executive;

R. has wrongfully transmitted or surrendered possession of the licensee's license to any other person, either temporarily or permanently;

S. has falsely impersonated another licensee;

T. has practiced without current licensure;

U. has made a false statement or knowingly provided false or misleading information to the board, failed to submit reports as required by the board, failed to cooperate with an investigation of the board, the Office of the Attorney General, or the Minnesota Department of Health, or violated an order of the board;

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's nursing home administrator or health services executive license in another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license as a nursing home administrator or health services executive in another jurisdiction or failed to report the existence of a complaint or other charges against the person's nursing home administrator or health services executive license in this or another jurisdiction or has been refused a license as a nursing home administrator or health services executive by any other jurisdiction for reasons not related strictly to a difference in academic or experience requirements among jurisdictions;

X. has abused or is dependent on alcohol, a legend drug as defined in Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152, and this abuse or dependency has affected the performance of the licensee's duties; or

Y. has failed to meet minimum standards of acceptable and prevailing practice when supervising an administrator in residence during the practicum.

Subp. 2. **Actions.** If grounds for disciplinary action exist under subpart 1, the board shall take one or more of the following actions:

- A. refuse to grant a permit;
- B. refuse to grant or renew a license;
- C. revoke a license or permit;
- D. suspend a license or permit;
- E. impose limitations or conditions on a license or permit;
- F. censure or reprimand the licensee or permit holder;
- G. refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination score; or
- H. any other action authorized by statute.

Subp. 3. **Considerations.** In determining what action to take under subpart 2, the board shall consider:

- A. responsibility and response of the individual prior to, during, and after the occurrence;
- B. extenuating circumstances;
- C. repeat complaints against the individual; and
- D. severity of or potential harm to residents.

Statutory Authority: *MS s 16A.1285; 144A.20; 144A.21; 144A.23; 144A.24; 214.06*

History: *21 SR 1564; 45 SR 753*

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6400.6950 APPLICABILITY.

Subpart 1. **Assisted living directors.** Parts 6400.7000 to 6400.7095 apply to assisted living directors.

Subp. 2. **Health services executives.** Health services executives licensed under this chapter must meet the responsibilities in part 6400.7050 and are subject to the standards of practice in part 6400.7095.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

Published Electronically: *June 4, 2021*

6400.6970 [Repealed, L 2019 1Sp9 art 10 s 53]

Published Electronically: *October 30, 2019*

6400.7000 USE OF TITLE.

Only an individual who is licensed as an assisted living director and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Assisted Living Director" and the abbreviation "L.A.L.D." after the individual's name.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

Published Electronically: *June 4, 2021*

6400.7005 LICENSURE REQUIREMENTS.

Subpart 1. **License; assisted living director.** The board shall issue an individual a license to practice as an assisted living director in Minnesota upon determining that the individual:

A. has filed a completed application for licensure under part 6400.7010 before or within six months of hire;

B. meets the requirements specified in Minnesota Statutes, section 144A.20;

C. has successfully completed a criminal background check under Minnesota Statutes, section 214.075;

D. has not had an application rejected by the board under part 6400.7010;

E. has paid the required fees;

F. meets one of the following education and work experience requirements:

(1) a high school diploma or equivalent plus two years of work experience in the continuum of long-term services and supports, including one year in a management or supervisory position;

(2) an associate's degree plus one year of work experience in the continuum of long-term services and supports, including six months in a management or supervisory position; or

(3) a bachelor's degree plus six months of work experience in a management or supervisory experience in the continuum of long-term services and supports;

G. has read parts 6400.7000 to 6400.7095 and the Department of Health rules relating to the licensure of assisted living facilities; and

H. meets one of the following subitems for education, experience, and training:

(1) has successfully:

(a) completed a core course of study covering the topics listed in part 6400.7015;

(b) completed a Minnesota-based course of study covering the topics listed in part 6400.7020;

(c) completed a director in residence field experience according to part 6400.7030;

(d) passed the NAB core knowledge and line of service examinations for assisted living directors to test knowledge of subjects pertinent to the domains of practice of assisted living as identified in the NAB job analysis for assisted living directors; and

(e) passed the state examination approved by the board to test the knowledge of Minnesota laws governing assisted living facility operations in Minnesota;

(2) meets all requirements under part 6400.7045, subpart 1 or 2, for qualification by endorsement; or

(3) applies for licensure by July 1, 2021, attests that the applicant has read the laws governing assisted living facilities, and:

(a) has training that relates to the domains of practice for assisted living as identified in the NAB job analysis for assisted living directors and has a higher education degree in nursing, social services, or mental health, or another professional degree;

(b) has at least three years of supervisory, management, or operational experience and higher education training related to the domains of practice for assisted living as identified in the NAB job analysis for assisted living directors;

(c) has completed at least 1,000 hours of an executive-in-training program provided by an assisted living director licensed under this subitem on or before July 1, 2021; or

(d) has managed a housing with services establishment operating under assisted living title protection for at least three years.

Subp. 2. **Continuing education requirements for select licensees.** All individuals licensed under subpart 1, item H, subitem (3), must complete, within the first year of licensure, at least seven hours of continuing education in topics related to assisted living facilities.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

Published Electronically: *June 4, 2021*

6400.7010 APPLYING FOR LICENSURE.

Subpart 1. **Application contents.** An applicant for licensure must apply electronically through the board's online services. The application must include the following information:

- A. the applicant's name;
- B. the applicant's e-mail, home, and work addresses;
- C. the applicant's telephone numbers;
- D. the applicant's Social Security number;

- E. the applicant's education and degree information;
- F. the applicant's employment and practice history;
- G. the applicant's health care professional licensure and disciplinary history in Minnesota and other jurisdictions;
- H. the applicant's evidence of successful completion of a criminal background check under Minnesota Statutes, section 214.075;
- I. the applicant's criminal convictions, if any; and
- J. use of alcohol or drugs or a mental, physical, or psychological condition, which may reflect on ability and fitness to practice.

Subp. 2. **Applicant responsibility.** An applicant must provide the board with all information, documents, and fees necessary to meet licensure requirements.

Subp. 3. **Application expiration.** Applications expire 18 months after the date that the application form is filed with the board. If the applicant does not fulfill all licensure requirements within the 18-month application period, the applicant must resubmit the application and another application fee to continue to seek licensure.

Subp. 4. **Examination attempts and score expiration.** Examination scores expire two years after the date that the examination was taken if the applicant has not become fully licensed within that two years.

Subp. 5. **Grounds for denial.** The board shall deny an application for licensure that does not meet the requirements of part 6400.7005 within the 18-month application period. The board shall deny an application for licensure where the applicant has committed acts in this or any other jurisdiction that would be grounds for discipline under part 6400.7095, subpart 1, taking into account the considerations in part 6400.7095, subpart 3.

Subp. 6. **Notice of denial.** If the board denies an application for licensure, the board must provide written notice to the applicant of the denial, the reasons for the denial, and the right to a hearing under Minnesota Statutes, chapter 14, within 30 days of receiving notice of the denial.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

Published Electronically: *June 4, 2021*

COURSE REQUIREMENTS

6400.7015 CORE COURSE REQUIREMENTS.

Subpart 1. **Basic requirements of course of study.** An applicant must complete a course of study with a minimum of 80 hours in core subjects necessary to perform the duties of an assisted living director and including the requirements of this part.

Subp. 2. **Customer care, services, and supports.** An applicant must complete a course in customer care, services, and supports covering:

- A. quality systems, including customer satisfaction, problem identification, data collection, root cause analysis, and quality management programs;
- B. hospitality, including models for customer engagement and satisfaction;
- C. coordination and arrangement of services with physicians, hospice, home care, podiatrists, audiologists, and other health care and community service providers; and
- D. how to address complaints and resident and family councils.

Subp. 3. **Human resources.** An applicant must complete a course in human resources covering:

- A. recruitment practices;
- B. screening practices;
- C. hiring principles;
- D. employee training;
- E. employee retention and satisfaction, including performance management;
- F. employment policies and procedures; and
- G. compliance requirements related to state and federal laws.

Subp. 4. **Finance.** An applicant must complete a course in finance covering financial management, including invoicing and managing revenue cycle, operating and capital budgeting, budgeting and rate setting, accounting, quality and performance assessments related to financial and business operations, and Medicaid and other payment sources.

Subp. 5. **Environment.** An applicant must complete a course in assisted living facilities environment covering:

- A. risk management, including risk identification and emergency plans for both shelter in place and evacuation;
- B. culinary services, including diets and meals, safety and sanitation;
- C. plant operations, including preventative maintenance, comfort and security issues, infection control, environmental design, assistive technology, and compliance with the Occupational Safety and Health Administration (OSHA) and the Americans with Disabilities Act;
- D. current regulatory requirements on the physical plant; and
- E. grounds and contracts management.

Subp. 6. **Management and leadership.** An applicant must complete a course in management and leadership covering:

- A. leadership styles and theories;
- B. confidentiality under state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA);
- C. marketing, including community connections and legal marketing practices;
- D. management practices, including team building;
- E. culturally sensitive workplaces, services, and practices; and
- F. problem-solving and ethical decision-making.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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6400.7020 MINNESOTA COURSE REQUIREMENTS.

An applicant must complete a course of study with a minimum of 40 hours in subjects necessary to perform the duties of an assisted living director in Minnesota, including:

- A. person-centered care practices;
- B. vulnerable adult protection under Minnesota Statutes, chapter 626, including all reporting requirements;
- C. Minnesota statutes or rules governing assisted living, including survey compliance and preparedness;
- D. landlord-tenant law, including fair housing and consumer transparency in collateral;
- E. role of the state ombudsman, including coordination and collaboration roles of governmental authorities, and resident rights;
- F. elder care rights, including voice of the family, learning objectives, and addressing complaints;
- G. practice acts for the Minnesota health-related licensing boards, as defined in Minnesota Statutes, section 214.01, subdivision 2;
- H. client and family relationships; and
- I. health and wellness topics, including diets, nutrition, and hydration; basic concepts in gerontology and geriatrics; common conditions and diagnoses in an assisted living setting; and medication management and preventing diversion.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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6400.7025 EVIDENCE OF COURSE COMPLETION.

Subpart 1. **Types of evidence.** Evidence to verify satisfactory completion of requirements in part 6400.7005 must consist of documentation or attestation of the program director designated in part 6400.7040, subpart 2, showing completion of a course of study approved by the board or NAB including the domains of practice identified in NAB's job analysis for assisted living directors and the topics listed in parts 6400.7015 and 6400.7020. Attestations of course completion by the course provider must be submitted to the board.

Subp. 2. **Supplementing evidence older than seven years.** Evidence presented under subpart 1 for completion of academic programs or academic courses taken more than seven years prior to the submission of information to the board must be supplemented by either:

A. evidence that the applicant has been employed within the last seven years in a capacity that required using the knowledge gained in the core course requirements; or

B. evidence that the applicant has completed continuing education within the past two years to renew and update knowledge gained in any academic course taken more than seven years prior to submission.

Subp. 3. **No additional fees required.** No fees in excess of fees associated with the standard application process may be charged to applicants for review of continuing education courses submitted as evidence to meet course requirements.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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6400.7030 ASSISTED LIVING DIRECTOR IN RESIDENCE; FIELD EXPERIENCE.

Subpart 1. **Field experience requirements and content.** An applicant for licensure as an assisted living director must complete a field experience. The field experience must provide practical learning experiences to complement the ALDIR's ongoing core training and work or volunteer experience in assisted living, long-term services and supports, general health care, and management. The field experience must follow the National Administrator in Training Program Manual ("program manual") or a similar training program preapproved by the board. The program manual is incorporated by reference. The program manual is available on the board's website and is subject to change every five years. The field experience must be conducted within an assisted living facility or facilities and require the ALDIR's residency to average 20 hours per week. Upon mutual agreement of the ALDIR and the director, an assisted living facility may serve as the field experience site for a student who is employed by the assisted living facility, provided that the ALDIR is relieved of all previous duties during the time of the field experience.

Subp. 2. **Mentor.**

A. The field experience must be completed under the direction of a mentor. A mentor must be a licensed assisted living director or a licensed health services executive. A mentor must be licensed and practicing for at least two years or be licensed on or before July 1, 2021.

B. A mentor must:

(1) ensure that the ALDIR complies with the domains of practice and NAB administrator in training manual;

(2) ensure that the ALDIR has experience with professional practice analysis; and

(3) not supervise an ALDIR who is a related individual or who resides in the immediate household of the mentor.

Subp. 3. **Duration.** Before beginning the field experience, the ALDIR must complete a self-assessment prescribed by the board that identifies topics where education, experience, and training are needed. The ALDIR must share the results of the self-assessment with the mentor and allow the mentor to provide input into the self-assessment. The mentor must determine the duration of the field experience, with 480 hours recommended but a minimum of 320 hours required and a maximum of 1,000 hours allowed, and the focus of the field experience based on the topics identified in the self-assessment.

Subp. 4. **Contents and topics for field experience.** Regardless of the areas identified in the self-assessment, the field experience must include, but need not be limited to, the following:

A. exposure to all areas of operations within the assisted living facility to provide the ALDIR with knowledge of all functions of the assisted living facility;

B. review of the findings and results of regulatory inspections and responses of the assisted living facility;

C. observation of the integrative and administrative role of the director through attendance with the director or mentor at meetings with staff, families, governing bodies, community groups, resident councils, or other groups;

D. observation of the relationships between the assisted living facility and community and other health care providers and organizations operating in the continuum of health care; and

E. participation in and completion of a quality assurance and performance improvement project.

Subp. 5. **Completion of self-assessment.** At the end of each field experience and as part of the licensure process, the ALDIR and the mentor must provide evidence to the board demonstrating completion of the board-approved self-assessment and remediation of any areas identified in the self-assessment as deficient.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: 45 SR 1073

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6400.7040 COURSE PROVIDER REVIEW.

Subpart 1. **Program review and approval.** Upon request of a course provider, the board shall review course content offered by the course provider, and upon finding conformity between the proposed program and the requirements of this chapter, shall approve the course provider as offering courses that meet all of the course requirements for licensure.

Subp. 2. **Requesting course review.** When submitting a program of study offered by a course provider to meet the course requirements, the course provider shall provide the following information in an application for the board's review:

A. designation of a program director to coordinate the course provider's program or course offerings with the board. If the program director determines that courses from students transferring into the course provider's program or courses from students enrolled in the program who cannot arrange class schedules to permit timely completion of the board-approved courses are equivalent in content to those accepted by the board to fulfill the course requirements in parts 6400.7015 and 6400.7020, the program director must submit the students' equivalent courses to the board. The board must determine that the courses are equivalent in content to fulfill the course requirements in parts 6400.7015 and 6400.7020;

B. evidence of the establishment and use of an advisory group of assisted living directors and others in the long-term services and supports industry, including the names and experience of group members and the frequency of meetings, to review course requirements and practicum activities;

C. a published marketing description of the course of study offered or recommended by the provider for those interested in licensure as an assisted living director in Minnesota. Nothing in this chapter restricts course providers from designing or implementing curricula, or establishing requirements for courses, majors, or other designations offered by the institution, more comprehensive than required under this chapter for licensure;

D. a topic-by-topic review of how each course offered by the course provider meets the requirements in parts 6400.7015 and 6400.7020;

E. an outline of each course offered by the course provider to fulfill one or more of the licensure course requirements, listing texts and materials used in the course; and

F. identification of one or more course providers to:

(1) coordinate director in training field experiences for students; and

(2) provide instruction to any director becoming a mentor for the first time regarding objectives for the director in training or evidence of use of NAB's mentor training modules.

Subp. 3. **Review and approval process.** Upon receipt of an application package for approval of a course provider's program to meet board course requirements, the board shall acknowledge receipt of the request and identify any missing requirements to the program director. Upon receipt of all required information, the board shall review all materials presented and may request an appearance by one or more representatives of the program at a meeting to review all material for conformance to requirements. The board shall base its decision to approve or reject the course provider's program on whether the application materials presented cover the course topics outlined in parts 6400.7015 and 6400.7020 with sufficient depth to enable students to attain the knowledge, skills, and abilities required to begin work as an assisted living director. If the application package and discussion with program officials fail to show compliance with parts 6400.7015 and 6400.7020 or to provide sufficient evidence to satisfy the board members that they can infer beginning-level competency among students completing the proposed course, the board shall notify the program director in writing of the deficiencies the course provider must remedy. Once all deficiencies are satisfactorily remedied, the board shall grant approval to the course provider in writing and include reference to the course provider's offerings in its correspondence with students interested in learning where courses approved by the board to meet licensure requirements are available. If the deficiencies are not corrected, the board shall deny approval for the course provider's program by written notice to the program director.

Subp. 4. **Annual review.** Annually on or before September 1, the program director of a course provider with an approved program or courses shall file with the board on forms prescribed by the board for that purpose a report indicating:

A. any changes in any of the information presented to satisfy the requirements outlined in this part since the initial application or since the updated report of the preceding year; and

B. to the extent available, a schedule of when throughout the year the approved courses will be offered by the course provider or the link to the course website.

Subp. 5. **Five-year course provider review.**

A. Every fifth year following the board's initial approval of a course provider's program or courses, the program director shall provide a complete review of the course provider's program by submitting to the board by September 1 of the fifth year a review application package in the same format and incorporating the same information as required in subpart 2 for a new program approval application. When no change has occurred since the initial application, the program director may submit a copy of the initially submitted information with an updated date and attestation that the information is current.

B. The board shall review the five-year program review package submitted by the course provider and approve or deny continued board approval for the program as provided in subpart 3. If the board finds it necessary to deny continued approval to a program or to specific courses, the board shall provide information to the program director about ways in which students currently enrolled in the program may obtain supplementary or alternative courses to complete the requirements for licensure in view of the revocation of approval for courses offered by the course provider. The program director shall provide the information to all students enrolled in the previously approved

program or courses and shall work with the students to provide a smooth transition to alternative course providers offering approved courses.

C. In addition to the five-year program review, if the board receives information that the success rates fall below the national average for candidates from the program who, during the annual review period, wrote for the first time the national examination for assisted living directors developed by NAB, the board must take one of the actions described in subitems (1) to (3):

(1) if success rates are below the national average for one period, the board shall require the program director to identify factors that potentially affect the low success rate of the licensure examination. The director shall submit a plan of corrective action by a specified date. The plan of action must be on a board-supplied form and include the signature of the program director and another course provider representative. If during the following year the success rate is above the national average, no action by the board is required;

(2) if the success rates are below the national average for two consecutive periods, the board shall notify the program director of a survey to identify additional factors affecting the low success rate and review progress on the plan for corrective action submitted the previous year. The survey must include the director, presenters, students, and a course presenter representative. The program director shall submit a revised plan of corrective action by a specified date. The plan of corrective action must be on a board-supplied form and include the signatures of the program director and course provider representative. If during the following year the success rate is above the national average, no action is required by the board; or

(3) if success rates are below the normal average for three consecutive periods, the board shall require the program director and another course provider representative to meet with a committee of board members and board staff for a survey for compliance with all applicable rules and for the implementation of the plan for corrective action submitted the previous year. Upon completion of the survey, the board shall take action according to subpart 3.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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LICENSES AND PERMITS

6400.7045 ENDORSEMENT.

Subpart 1. **License; assisted living director.** The board shall issue an assisted living director license to an individual who has been issued and currently holds a license as an assisted living director in another jurisdiction if:

A. the other jurisdiction maintains requirements for assisted living director licensure that are equivalent to those required under part 6400.7005 or the applicant is currently licensed as an assisted living director and provides the board evidence of having successfully completed a professional program in assisted living administration endorsed by NAB or approved by the board;

B. the applicant has successfully completed a course covering the course requirements in part 6400.7020;

C. the applicant has passed the Minnesota state examination within the previous two years;

D. the applicant is in good standing as an assisted living director in each jurisdiction from which the applicant has ever received an assisted living director license; and

E. the applicant has made application for licensure under part 6400.7010 and has paid the applicable fees.

Subp. 2. License; nursing home administrator. The board shall issue an assisted living director license to an individual who has been issued and currently holds a license as a nursing home administrator in Minnesota or another jurisdiction if the individual:

A. provides the board evidence of having successfully completed a professional program in assisted living administration endorsed by NAB or approved by the board;

B. has successfully completed a course covering the Minnesota course requirements in part 6400.7020, unless the applicant graduated from an educational institution approved by the board;

C. has passed the Minnesota state examination within the immediate past two years;

D. is in good standing as a nursing home administrator in each jurisdiction from which the applicant has ever received a nursing home administrator license; and

E. has applied for licensure under part 6400.7010 and paid the applicable fees.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7050 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as an assisted living director and operation of an assisted living facility in Minnesota;

B. provide notice to the board within five working days of any change in e-mail address, mailing address, or telephone number pursuant to Minnesota Statutes, section 13.41, subdivision 2, paragraph (b);

C. provide notice to the board within five working days of any change in employment as an assisted living director for an assisted living facility;

D. notify the board within five working days of any formal disciplinary action or charge against any license the licensee holds as an assisted living director, health services executive, or other health care professional in Minnesota or any other jurisdiction;

E. cooperate with the board by providing data, reports, or information requested by the board that is relevant to the board's licensure and disciplinary authority and complying with requests to attend conferences, meetings, or hearings scheduled by the board concerning license renewal or complaint investigations and discipline;

F. provide, when requested, a defined delegation of authority, in the case of director absences, at each assisted living facility where the licensed assisted living director serves as director; and

G. be responsible for the general administration and management of the assisted living facility and oversee the day-to-day operation of the assisted living facility. This includes responsibility for:

(1) ensuring that services and support are provided to residents in a manner that protects their health, safety, and well-being and is consistent with residents' rights, including the right to choose to refuse services;

(2) maintaining compliance with applicable laws and regulations;

(3) developing and implementing all policies, procedures, and services required in Minnesota Statutes, chapter 144G;

(4) ensuring staff and volunteers comply with residents' rights;

(5) maintaining buildings and grounds;

(6) recruiting, hiring, training, and supervising staff; and

(7) ensuring the development, implementation, and monitoring of an individualized, person-centered plan of care for each resident, regardless of the internal or contracted service model.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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6400.7055 DISPLAYING LICENSES.

A licensee actively practicing shall display the board-issued license, not a photocopy, in a conspicuous place in the assisted living facility that the licensee directs, that is visible to residents and visitors.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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6400.7060 DUPLICATE LICENSES.

Upon receipt of a notarized statement from a licensee that the licensee's license has been lost, mutilated, or destroyed, or that the licensee has had a name change, the board shall issue a duplicate

license. A licensee may also apply for a duplicate license to display at each assisted living facility where the licensee serves as the assisted living director under this chapter. Licensees obtaining duplicate licenses are subject to the applicable fee.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7065 RENEWING LICENSES.

Subpart 1. **Forms; time for renewal.** Every individual who holds a valid license issued by the board shall annually apply to the board on or before October 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board. The applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.7090, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. **Fees.** Upon making an application for license renewal, the licensee shall pay the annual fee. If submitting CE credits that include clock hours for workshops, seminars, institutes, or home study courses that have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of non-preapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by October 31 of each year, the license lapses and the holder of a lapsed license is subject to the reinstatement procedure and late renewal fees.

Subp. 3. **Exemption from renewal.** Pursuant to Minnesota Statutes, section 326.56, a licensee who is in active service, as defined in Minnesota Statutes, section 190.05, for the armed forces of the United States or is employed outside of the United States in employment that is essential to the prosecution of any war or the national defense, according to Minnesota Statutes, section 326.56, and whose license was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew licensure. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active service or termination of the aforementioned employment. A license renewal notice shall be sent to the licensee at the time that a license renewal notice would normally be sent to the licensee. The licensee may be requested to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for license renewal must be met.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7070 LICENSE REINSTATEMENT.

An assisted living director previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed. If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.7010.

A. If a license has been lapsed in Minnesota for less than two years prior to the date of the application for reinstatement, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time that the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed; and
- (3) pays the license renewal and late fees for each of the years the license has lapsed.

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as an assisted living director or health services executive in one or more other jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees for each of the years the license has lapsed; and
- (4) successfully completes the state examination.

C. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has not been continuously licensed in one or more jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time that the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees for each of the years the license has lapsed;

- (4) successfully completes the state examination; and
- (5) successfully completes the NAB core knowledge and line of service examinations.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7075 VERIFICATION OF MINNESOTA LICENSE.

Upon request and payment of a fee under this chapter by the licensee, the board shall issue a certified statement of the licensee's licensure status and examination scores to another jurisdiction.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7080 ASSISTED LIVING DIRECTOR IN RESIDENCE PERMITS.

Subpart 1. **Board to issue permits.** When the controlling individuals of an assisted living facility designate an ALDIR under this part, the designee must secure a permit within 30 days of the designation. To secure a permit, the ALDIR must designate on the permit application the person who will serve as a mentor during the director in residence field experience. The board shall issue a permit to serve an assisted living facility as an assisted living director in residence for up to one year. A permit to serve as an ALDIR is not renewable beyond the one year for which it was issued.

Subp. 2. **Qualifications.** An applicant for a permit to serve an assisted living facility as an ALDIR must furnish satisfactory evidence that the applicant:

A. has graduated from high school or holds a general education development (GED) certificate of equivalent competency;

B. has experience in the management of an assisted living facility or related facility or program or is enrolled with a course program approved by the board within six months of designation;

C. is in good standing in each jurisdiction from which the applicant has ever received a health care license;

D. has successfully completed a criminal background check under Minnesota Statutes, section 214.075; and

E. has established a mentor relationship, including providing information about the mode and frequency of communication between the mentor and the assisted living director in residence.

Subp. 3. **Responsibilities.** The assisted living director in residence must meet the licensee responsibilities set forth in part 6400.7050.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7085 SHARED DIRECTOR.

A. With approval of the board, an assisted living facility may share the services of a licensed assisted living director or a permitted assisted living director in residence. The director or director in residence must maintain an on-site presence to administer, manage, and supervise each assisted living facility and meet the domains of practice according to the requirements of this chapter.

B. Within 15 days after assuming the position, the shared director or director in residence must submit an application to serve as a shared director, on forms provided by the board. All applications for a shared director arrangement must be signed by a legal representative of the facility or by a controlling individual.

C. The board shall consider the following criteria to determine whether to approve the shared arrangement:

- (1) education and experience of the director or assisted living director in residence;
- (2) geographic location and distance between assisted living facilities;
- (3) whether the assisted living facilities share common management or common ownership;
- (4) external or regional administrative support and clinical support;
- (5) number of assisted living facilities to be shared;
- (6) services provided at each assisted living facility;
- (7) number of residents at each assisted living facility;
- (8) licensed staffing at each assisted living facility;
- (9) proposed duration of the shared director arrangement;
- (10) compliance and complaint history;
- (11) written delegation of authority policy;
- (12) communication plan for residents, families, and staff; and
- (13) acknowledgment of ongoing satisfaction of resident contracts at each assisted living facility.

D. If the proposed shared assisted living facilities are five or fewer in number, are all within a 60-mile radius and have common management, and the assisted living facilities' licenses and the license or permit of the proposed director are in good standing, the board shall administratively approve the shared assisted living facility arrangement.

E. The board shall review all shared assisted living facility arrangements approved or denied administrative approval under item D at the board's next regularly scheduled board meeting following the approval or denial. The board must determine, according to the criteria in item C, whether to ratify the administrative approval or approve the shared arrangement previously denied administrative approval.

F. If the board approves the request to serve as a shared director, the licensee or permit holder must:

(1) establish procedures and delegate authority for on-site operations in the director's or assisted living director in residence's absence;

(2) be available to staff at each assisted living facility that the licensee or permit holder directs;

(3) post at each assisted living facility a board-issued license or permit in a conspicuous place within the assisted living facility;

(4) post at each assisted living facility the procedure to contact the person in charge on the premises in the absence of the director or assisted living director in residence; and

(5) make communication plans available to residents, families, and staff at each assisted living facility the licensee or permit holder directs.

G. If the board does not approve the request to serve as a shared director, the board shall provide the director written notice of the board's decision and a remediation plan.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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CONTINUING EDUCATION

6400.7090 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Renewal requirements.** At the time of license renewal, each licensee shall provide evidence to the board that the licensee has completed in the preceding two years 30 continuing education credits of continuing education activities as specified in this part and Minnesota Statutes, section 144A.20, subdivision 4, paragraph (c). Licensees in their first year of licensure shall have the number of CE credits required for license renewal prorated for the number of months they were licensed during the preceding year. For purposes of obtaining and presenting CE credits, a year runs from September 1 to August 31.

Subp. 2. **Evidence of continuing education requirement completion.** Licensees must maintain proof as described in part 6400.7091 of having completed the number of CE credits claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of credits claimed. Documentation to prove completion of

CE credits must be maintained by each licensee for four years from the last day of the licensure year in which the credits were earned.

Subp. 3. **Audit.** The board shall annually select on a random basis at least five percent of the licensees applying for renewal to have their claims of CE credits audited for compliance with board requirements. Nothing in this subpart prevents the board from requiring any individual licensee from providing evidence to the board of having completed the CE credits required for license renewal.

Subp. 4. **Acceptable content for continuing education activities.** Unless otherwise specified in part 6400.7091, the content of continuing education activities must relate to one or more of the following:

- A. administration of services for persons needing long-term services and supports;
- B. current issues and trends in long-term services and supports and assisted living licensure;
- C. the relationship of long-term services and supports to other aspects of the health care continuum; and
- D. responsibilities, tasks, knowledge, skills, and abilities required to perform assisted living director functions as outlined in the NAB domains of practice.

Subp. 5. **Credits to maintain another professional license.** Continuing education required to maintain another professional license, such as a nursing home administrator license, nursing license, social worker license, mental health professional license, or real estate license, may be used to satisfy the requirements of subpart 4 when approved by the board. The board shall approve continuing education credits under this subpart when the continuing education is related to the domains of practice of assisted living as identified in the NAB job analysis for assisted living directors.

Subp. 6. **Unacceptable content for continuing education activities.** Subjects for continuing education that are not acceptable to meet license renewal requirements include:

- A. general personal development including stress management;
- B. assisted living facility or company orientation;
- C. assisted living facility or company policies or procedural issues;
- D. organizational functions such as business meetings and election of officers;
- E. medical treatment at a clinical level beyond that required for licensure as an assisted living director; and
- F. any other subject unrelated to content specified under subpart 4.

Subp. 7. **Requirements in specified subjects.** The board shall, when compelled by advancement in scope of practice or emerging long-term services and supports issues, and by public written

notice to each licensee on or before September 1, require all licensees to attend continuing education programs in specified subjects.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7091 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of continuing education credits that licensees may obtain for each are described in items A to K.

A. A licensee who attends board-approved seminars, webinars, institutes, or workshops shall receive CE credit on a clock-hour basis for the actual amount of time spent in the seminar rounded to the nearest lower one-quarter hour. To verify clock hours of attendance at seminars, webinars, institutes, or workshops, a licensee must maintain an attendance certificate provided by the sponsoring organization.

B. A licensee who completes board-approved home study courses, including correspondence work, televised courses, and audio or video recordings, shall receive CE credit for the number of clock hours reasonably required to complete the home study course as determined by the board. To verify completion of the course, the licensee must maintain a certificate of course completion from the sponsor that must include evidence of passing a test corrected by the sponsor.

C. A licensee who attends seminars, webinars, institutes, or workshops, or completes home study courses approved by NAB shall receive CE credit on the basis of clock hours assigned by NAB. To verify clock hours of attendance at NAB-approved seminars, webinars, institutes, or workshops, or completion of NAB-approved home study courses, the licensee must maintain a certificate provided by the NAB-approved sponsor.

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the assisted living director or health services executive licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, webinars, institutes, or workshops approved by another state's licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the state's licensing authority's approval.

E. A licensee who passes academic courses applicable to the domains of practice taken at an accredited postsecondary institution shall receive nine CE credits per quarter credit and 12 CE credits per semester credit. To verify passage of academic courses, the licensee must maintain a copy of an academic transcript showing the course grade and the date it was awarded.

F. A licensee who writes an article on a topic related to long-term services and supports that is published in a national periodical shall receive two CE credits for an article of 500 to 1,000 words and one additional credit for each additional 500 words to a maximum of ten CE credits per

year. To verify publication, the licensee must maintain a copy of the periodical containing the published article.

G. A licensee who presents a paper or lecture on a topic related to long-term services and supports of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously presented material to a maximum of ten CE credits per year. To verify the presentation, the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture on a topic related to long-term services and supports of at least one hour at an academic institution or through a course provider shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously developed material to a maximum of ten CE credits per year. To verify lecture delivery, the licensee shall maintain corroboration from the participating academic institution.

I. A licensee who serves as a member of a board, committee, council, or work group that includes members from several nursing or assisted living facilities or organizations and deals primarily with issues in assisted living facility operation or long-term services and supports shall receive CE credit per membership position held provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation, the licensee must maintain written verification of membership and attendance from an officer of the group and must provide the learning objectives of the meeting.

J. A mentor for an assisted living director in residence's field experience shall receive two CE credits per month spent serving as director to a maximum of 16 CE credits per year. To verify mentor service, the mentor must maintain documentation of service from the participating course provider. An individual who attends training sessions to prepare mentors to oversee field experiences shall receive CE credit on the same clock-hour basis as for seminars, webinars, institutes, and workshops under item A. This item also applies to a health services executive applying for licensure renewal under part 6400.6740 who serves as a mentor for an assisted living director in residence's field experience.

K. Other continuing education activities not specified in items A to J may be approved for up to ten CE credits per year on an individual basis upon submission of information to the board concerning the activity in which the licensee has engaged, the results of the learning, the number of hours involved, the number of CE credits requested, and some means of verifying completion of the activity. The board shall consider the information submitted and determine whether to approve the activity and, if so, what number of CE credits to award for the activity, and shall notify the requesting licensee of the board's determination. In making its determination, the board shall consider

whether the activity contributed to the advancement and extension of professional skill and knowledge of the licensee in matters related to the practice of assisted living facility direction.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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6400.7092 SPONSORING CONTINUING EDUCATION.

Subpart 1. **Applying for individual program approval.** Individuals, groups, or organizations wishing to sponsor educational seminars, webinars, institutes, workshops, or home study programs shall submit the following, in writing, to the board to obtain review and approval for clock hours of CE credit for licensees to use in meeting continuing education requirements for license renewal:

- A. date, time, and location of presentation;
- B. presentation content, showing specific time periods, topics, titles, and speakers including their professional qualifications;
- C. number of clock hours requested;
- D. a statement indicating the sponsor's willingness to maintain a means of verifying attendance and provide each attendee a certificate of attendance or other appropriate means of attesting to the number of clock hours actually attended by each attendee;
- E. for home study programs, evidence of a testing process to measure the participant's attainment of knowledge and information provided in study materials; and
- F. a fee based on the number of clock hours requested to be reviewed and approved.

Subp. 2. **Licensee-sponsored programs and courses.** A licensed director who attends a seminar, webinar, institute, or workshop, or participates in a home study course that has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board:

- A. a copy of the seminar program or other document identifying the program content and other information required of program sponsors under subpart 1, items A to C; and
- B. a fee in the same amount as would be charged to a sponsor under subpart 1, based on the total number of clock hours requested to be reviewed and approved.

Subp. 3. **Review of sponsor requests.** The board shall review sponsor requests and approve CE credit hours for programs with content, presenters, and means of verifying attendance or measuring knowledge attainment under subpart 1 and part 6400.7090, subpart 4, and notify the requesting sponsor of the decision.

Subp. 4. **Designation of registered continuing education sponsors.** An organization that annually sponsors multiple educational seminars, webinars, institutes, workshops, or home study courses may request designation by the board as a registered continuing education sponsor on an

annual basis beginning September 1 and ending August 31. Registered continuing education sponsors may assign CE credit hours to their own program offerings applying the provisions of this chapter. The board shall review and approve requests for designation and authority as a registered continuing education sponsor if the sponsor:

A. is a regionally accredited university or college or division thereof or a state or national membership organization in the field of health care;

B. has been a sponsor of continuing education programs approved by the board under subpart 3 for the two years preceding the request to be named a registered sponsor;

C. has complied fully with the board's criteria for sponsors of continuing education programming;

D. has requested designation on forms prescribed by the board;

E. has signed an agreement to:

(1) comply with the rules of the board in assigning clock hours to continuing education programs;

(2) provide certificates of attendance to participants; and

(3) provide the board with information concerning sponsored programs; and

F. has paid the balance of the registered sponsor fee within 30 days of notification by the board of approval of the organization as a registered continuing education sponsor.

Subp. 5. **Performance review of registered sponsors.** The board shall review performance of registered sponsors annually upon the sponsor's request to renew the one-year sponsor agreement with the board or more frequently if determined necessary in the judgment of the board and shall remove registered sponsor status from an organization upon 30 days' notice if the sponsor has been found to violate the terms of the agreement with the board.

Subp. 6. **Course program provider waiver.** A course program provider approved by the board is exempt from the annual fee by validating attendance and recording and merging the verified attendance records with the board's online continuing education attendance system.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

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STANDARDS OF PRACTICE

6400.7095 STANDARDS OF PRACTICE; ENFORCEMENT.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as a director in residence, or a licensee when the board

determines, by a preponderance of the evidence and after notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

A. has been convicted of a felony or gross misdemeanor, including a finding or verdict of guilt, whether or not the adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea, when the felony or gross misdemeanor is related to the practice of assisted living director, as evidenced by a certified copy of the conviction;

B. has been convicted of a crime against a minor, including a finding or verdict of guilt, whether or not adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea;

C. is not eligible to be employed as an assisted living director under Minnesota Statutes, section 144A.20, subdivision 4;

D. has failed to comply with Minnesota Statutes, section 626.557, the Vulnerable Adult Act;

E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to directing an assisted living facility or to the responsibilities of an assisted living director;

F. has discriminated against any resident or employee based on age, race, sex, religion, color, creed, national origin, marital status, status with regard to public assistance, sexual orientation, or disability;

G. has committed acts of misconduct related to qualifications, functions, or duties of an assisted living director and evidenced unfitness to perform as an assisted living director in a manner consistent with protecting resident health, safety, and welfare;

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of assisted living facility direction, that adversely affects the individual's ability or fitness to practice as an assisted living director or health services executive;

I. has engaged in unprofessional conduct, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice, as specified in state and federal statutes and rules concerning administration of assisted living facilities, without actual injury having to be established;

J. has failed to take good faith efforts to protect the safety, health, or life of a resident;

K. has willfully permitted the unauthorized or illegal disclosure of information relating to a resident;

L. has engaged in sexual harassment, made sexual advances toward, or engaged in sexual contact with any resident, student, or trainee under the individual's supervision, or engaged in sexual harassment of an employee, consultant, or visitor to the facility in which the individual practices;

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material misstatement of fact, in securing, procuring, renewing, or maintaining a license or permit;

N. has used the individual's professional status, title, position, or relationship as a licensee or permit holder to coerce, improperly influence, or obtain money, property, or services from a resident, a resident's family member or visitor, an employee, or any person served by or doing business with the assisted living facility that the individual administers or is employed by;

O. has paid, given, caused to be paid or given, or offered to pay or give to any person a commission or other consideration for solicitation or procurement either directly or indirectly for assisted living facility patronage. Nothing in this item shall be construed to limit or restrict commercial advertisement;

P. has knowingly aided, advised, or allowed an unlicensed person to engage in the unlicensed practice of assisted living facility direction;

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is director;

R. has wrongfully transmitted or surrendered possession of the individual's license or permit to any other person, either temporarily or permanently;

S. has falsely impersonated another licensee or permit holder;

T. has practiced without a current license or permit;

U. has made a false statement or knowingly provided false or misleading information to the board; failed to submit reports as required by the board; failed to cooperate with an investigation of the board, the Office of the Attorney General, or the Minnesota Department of Health; or violated an order of the board;

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's assisted living director license in another jurisdiction or any other health care professional license or permit in Minnesota or another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license in another jurisdiction or failed to report the existence of a complaint or other charges against the person's license in this or another jurisdiction or has been refused a license as an assisted living director by any other jurisdiction for reasons other than a difference in academic or experience requirements among jurisdictions;

X. has abused or is dependent on alcohol, a legend drug as defined in Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152, and this abuse or dependency has negatively affected the performance of the individual's duties; or

Y. has failed to meet the requirements of part 6400.7030 when mentoring an assisted living director in residence during the field experience.

Subp. 2. **Actions.** If grounds for disciplinary action exist under subpart 1, the board shall take one or more of the following actions:

- A. refuse to grant a permit;
- B. refuse to grant or renew a license;
- C. revoke a license or permit;
- D. suspend a license or permit;
- E. impose limitations or conditions on a license or permit;
- F. censure or reprimand the licensee or permit holder; or

G. refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination score.

Subp. 3. **Considerations.** In determining what action to take under subpart 2, the board shall consider:

- A. the responsibility and response of the individual prior to, during, and after the occurrence warranting disciplinary action under subpart 1;
- B. extenuating circumstances;
- C. repeated complaints against the individual; and
- D. the severity of or the potential of harm to residents.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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