

1 **4659.XXXX FACILITY STAFFING.**

2 **Subpart 1. Staffing; plan required.**

3 A. A licensee must ensure that its facility’s assisted living director develops a written staffing plan
4 that provides an adequate number of staff to give both assisted living services and supportive
5 services to the facility’s residents 24 hours a day, seven days a week. When determining what
6 constitutes an adequate number of staff, the assisted living director must comply with:

- 7 1) Minnesota Statutes, section 245D.06, subdivision 5, relating to prohibited procedures for
8 staffing regarding home and community-based services;
- 9 2) Minnesota Statutes, section 144G.41, subdivision 1, clauses (11) and (12);
- 10 3) Minnesota Statutes, section 144G.70, subdivision 1; and
- 11 4) Minnesota Statutes, section 144G.91, subdivisions 4 and 23.

12 B. When developing a staffing plan, an assisted living director must evaluate the following and how
13 each affects the ability to ensure an adequate number of staff:

- 14 1) physical elements of the facility;
- 15 2) technology related to staffing and providing assisted living services;
- 16 3) staff experience, training, and performance; and
- 17 4) quality-management evaluation under Minnesota Statutes, section 144G.42, subdivision
18 2.

19 C. When developing the staffing plan and staffing work schedule under subpart 2, an assisted living
20 director must not take into account staff who are undergoing orientation, initial training, and
21 annual training under parts X, X, and X.

22 D. For purposes of this part, “staff” or “staff member” includes unlicensed personnel providing
23 assisted living services, unlicensed personnel providing only supportive services, supervisors,
24 temporary personnel, and licensed health professionals.

25 **Subp. 2. Staffing plan; contents.**

26 A. A staffing plan under subpart 1 must include a current written staffing work schedule for a given
27 24-hour period.

1 B. In addition to the staffing work schedule under item A, the staffing plan must:

- 2 1) include a written system that helps determine a facility's adequate number of staff;
- 3 2) contain a list of all facility residents;
- 4 3) list the names of all unlicensed personnel and temporary personnel, days and hours all
5 unlicensed personnel are working in a seven-day period, and whether unlicensed
6 personnel and temporary personnel may perform delegated health-care duties or tasks
7 according to Minnesota Statutes, sections 144G.62, 144G.71, and 144G.72;
- 8 4) list the names of supervisors, days and hours the supervisors are working in a seven-day
9 period, and whether supervisors may perform delegated health-care duties or tasks
10 according to Minnesota Statutes, sections 144G.62, 144G.71, and 144G.72;
- 11 5) list the names of the clinical nurse supervisor; each registered nurse; or, if applicable,
12 each licensed health professional who is not a registered nurse, and the hours and days in
13 a seven-day period the clinical nurse supervisor, each registered nurse, and each licensed
14 health professional who is not a registered nurse is available on-site; and
- 15 6) list the names and contact information for:
 - 16 a. the assisted living director; and
 - 17 b. the designated lead staff member under subpart 6, item B.

18 **Subp. 3. Facility requirements.**

19 A. An assisted living director must:

- 20 1) develop job descriptions for each staff position and provide a copy to the staff member
21 hired for the specific staff position;
- 22 2) maintain accurate and complete timesheets for all staff;
- 23 3) ensure the staffing work schedule under subpart 2, item A, accurately reflects the
24 positions, duties, and hours worked by staff;
- 25 4) ensure staff providing assisted living services or supportive services have received the
26 required training under part X and Minnesota Statutes, sections 144G.60 to 144G.64;
- 27 5) verify each staff member's work references before hiring the staff member;

- 1 6) verify each staff member has had a background study according to Minnesota Statutes,
2 section 144.057;
- 3 7) verify that each licensed health professional has the required license, certification,
4 registration, or other credential necessary to:
 - 5 a. comply with the appropriate licensing agency; and
 - 6 b. provide assisted living services; and
- 7 8) verify that the licensed health professional under subitem (7) is in good standing with the
8 appropriate licensing agency and that the license, certification, registration, or other
9 credential is current.
- 10 B. For an assisted living director, a licensee must:
 - 11 1) develop a job description and provide a copy to the assisted living director;
 - 12 2) ensure that the assisted living director maintains accurate and complete timesheets;
 - 13 3) ensure the assisted living director has the required training under chapter 6400, part X,
14 and Minnesota Statutes, sections 144A.20, subdivision 4; and 144G.82, subdivision 2;
 - 15 4) verify the work references of the assisted living director before hiring the assisted living
16 director;
 - 17 5) verify that the assisted living director has had a background study according to Minnesota
18 Statutes, section 144.057; and
 - 19 6) verify that the assisted living director has the required license and certification under
20 chapter 6400 and Minnesota Statutes, sections 144A.19 to 144A.291, and is in good
21 standing with the board.
- 22 C. At least one staff member who has completed training and certification for first aid and CPR
23 must be on-site in the facility at all times.
- 24 D. At least one staff member who can access resident records must be on-site in the facility at all
25 times.
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1 Subp. 4. **Adjusting staffing plan.** An assisted living director must adjust the staffing plan to take into
2 account:

- 3 A. newly admitted residents and their care needs according to their initial assessment and
4 service plan;
- 5 B. residents who have been discharged from or transferred within the facility;
- 6 C. residents who have been reassessed as required by this chapter and Minnesota Statutes,
7 section 144G.70, subdivision 2, and subsequently have a documented change in condition
8 as indicated on their service plan;
- 9 D. changes in staff availability, training, experience, or other staffing-related factor that
10 affects the licensee's responsibility to provide assisted living services and supportive
11 services according to this chapter and Minnesota Statutes, chapter 144G;
- 12 E. a foreseeable disaster as defined under Minnesota Statutes, section 12.03, subdivision 2;
13 and
- 14 F. any other factor that the assisted living director foresees as affecting the ability for
15 facility staff to provide assisted living services and supportive services according to this
16 chapter and Minnesota Statutes, chapter 144G.

17 Subp. 5. **Providing staffing work schedule; maintaining staffing plan and timesheets.**

- 18 A. A resident and the resident's legal and designated representatives must be given a copy of the
19 staffing work schedule under subpart 2, item A, and staffing information under subpart 2, item B,
20 subitems (3) to (6):
 - 21 1) after the resident's assisted living contract is executed; and
 - 22 2) upon request.
- 23 B. The current written staffing work schedule under subpart 2, item A, must be posted in a central
24 location on each floor of the facility.
- 25 C. Each staffing plan must be kept for at least 12 months, and staff timesheets must be kept in the
26 staff member's record as required under Minnesota Statutes, section 144G.42, subdivision 8.

1 **Subp. 6. Assisted living director; availability.**

- 2 A. A licensee must hire an assisted living director who is on-site during a facility's normal business
3 hours except as otherwise provided in this subpart.
- 4 B. An assisted living director must designate a lead staff member who is responsible for managing,
5 administering, or supervising, the facility when the assisted living director is off-site.
- 6 C. An assisted living director must notify the department if the assisted living director will not be at
7 the facility for seven or more consecutive calendar days.
- 8 D. An assisted living director or designated lead staff member under item B must be on-site during a
9 facility's normal business hours.
- 10 E. A designated lead staff member under item B may not be in charge of managing, administering,
11 or supervising the facility for more than 60 calendar days in a 12-month period.

12 **Subp. 7. Clinical nurse supervisor, registered nurse, and licensed health professional; availability.**

- 13 A. A facility's clinical nurse supervisor must be available during a facility's normal business hours.
14 A registered nurse must be available outside a facility's normal business hours.
- 15 B. A licensed health professional other than a registered nurse must be available according to
16 Minnesota Statutes, sections 144G.62, subdivision 4; 144G.71; and 144G.72.
- 17 C. For purposes of this subpart, "available" means available in person, by telephone, by
18 telecommunication methods, or by other means that allows a clinical nurse supervisor registered
19 nurse, or other licensed health professional to communicate verbally with facility staff or a
20 resident and the resident's legal and designated representatives.

21 **Subp. 8. Temporary personnel.**

- 22 A. When providing assisted living services, temporary personnel must be accompanied by a
23 permanent facility staff member who is trained to provide assisted living services according to
24 part X.
- 25 B. Temporary personnel providing assisted living services must not work for more than 160
26 consecutive hours in a 12-month period.

27 **Subp. 9. Commissioner duties; requiring more staffing.**

- 1 A. The staffing plan must be available to the commissioner upon request. If the commissioner
2 determines that a facility does not have enough staff according to this part and Minnesota
3 Statutes, chapter 144G, the commissioner must require the licensee to provide more staff in the
4 facility.
- 5 B. When determining that a licensee must provide more staff in the facility, the commissioner must
6 base the determination on:
- 7 1) a complaint investigation or survey inspection that showed that the facility did not have
8 enough staff to comply with this part and Minnesota Statutes, chapter 144G; or
- 9 2) a resident or family grievance reported under part X related to staffing, a legal action
10 against the facility related to staffing, or any other report or document under this chapter
11 that has been given to the department or ombudsman and that reflects a need for more
12 staffing.

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14 **4659.XXXX FACILITY STAFFING; DEMENTIA CARE.**

- 15 A. Part X applies to a facility with dementia care.
- 16 B. A licensee must ensure that the assisted living director of the licensee's facility with dementia
17 care complies with part X regarding staffing requirements.
- 18 C. In addition to part X, subpart 1, item A, when determining what constitutes an adequate number
19 of staff, a facility's assisted living director must comply with:
- 20 1) Minnesota Statutes, section 144G.81, subdivision 4; and
- 21 2) Minnesota Statutes, section 144G.83, subdivisions 1, paragraph (c); and 2.