

1 **4659.XXXX ORIENTATION.**

2 Subpart 1. **Orientation required.**

- 3 A. All unlicensed personnel, including temporary personnel, providing assisted living services,
4 supervisors of staff providing assisted living services, and licensed health professionals must
5 complete an orientation as required by Minnesota Statutes, section 144G.63, subdivisions 1 to 3.
6 Staff under this item must complete the orientation within 14 days of starting work at the facility
7 and before providing assisted living services.
- 8 B. The orientation must be at least five hours and tailored to the facility.
- 9 C. This part applies to unlicensed personnel who provide only supportive services, supervisors of
10 unlicensed personnel providing only supportive services, and volunteers. Staff and volunteers
11 under this item must complete the orientation within 14 days of starting work at the facility.
- 12 D. For purposes of this part, “staff” or “staff member” includes:
- 13 1) unlicensed personnel providing assisted living services;
14 2) unlicensed personnel providing only supportive services;
15 3) temporary personnel;
16 4) supervisors; and
17 5) licensed health professionals.

18 Subp. 2. **Orientation topics.** In addition to the topics listed under Minnesota Statutes, section
19 144G.63, subdivision 2, paragraph (a), the orientation must include:

- 20 A. emergency-and-disaster training as required under part XXXX and Minnesota Statutes, section
21 144G.42, subdivision 10, paragraph (b);
- 22 B. safety training under part X, subpart 2;
- 23 C. basic communication skills, including both verbal and nonverbal communication;
- 24 D. the facility’s grievance procedure under part X;
- 25 E. infection-control training under part X, subpart 3; and
- 26 F. records management, including training on the facility’s system for logging and tracking:
- 27 1) resident data related to supportive services and assisted living services; and
28 2) any other data the facility must maintain according to this chapter and Minnesota
29 Statutes, chapter 144G, and that staff are allowed by law to maintain.

30 Subp. 3. **Providing orientation.**

- 31 A. Only the following facility individuals may provide the orientation under this part:
- 32 1) the assisted living director or managerial official;
- 33 2) the clinical nurse supervisor; or

1 3) a supervisor who supervises unlicensed personnel providing assisted living services.

2 B. An assisted living director or managerial official must keep in the facility's records the following
3 information on the individual under item A who provided the orientation:

4 1) the individual's name and job title;

5 2) the date the individual provided the orientation; and

6 3) the number of hours the individual provided the orientation.

7 Subp. 4. **Orientation method.** The required orientation under this part must be conducted
8 according to Minnesota Statutes, section 144G.83, subdivision 4. An individual under subpart 3
9 must be available during the orientation to answer staff questions or concerns about the
10 orientation.

11 Subp. 5. **Staff member's records.** An assisted living director or managerial official must
12 document in a staff member's records that the staff member completed the required orientation
13 under this part.

14 Subp. 6. **Incorporating orientation into required annual training.** If the orientation is
15 incorporated into the required annual training under part X, this part still applies.

16
17 **Notes:** From statute: All staff providing and supervising direct services must complete an
18 orientation to assisted living facility licensing requirements and regulations before providing
19 assisted living services to residents

20 Who constitutes staff? What are direct services? What does supervising entail/who is a
21 supervisor? As it reads, someone supervising but not providing services, and someone providing
22 but not supervising, does not need to complete orientation. Same issue with annual training. Also
23 conflicts with emergency-training requirement, which implies all staff receive orientation
24 What is orientation to resident?

25
26 **4659.XXXX INITIAL TRAINING.**

27 Subpart 1. **Initial training required.**

28 A. All unlicensed personnel providing assisted living services and supervisors of unlicensed
29 personnel providing assisted living services must complete at least 75 hours of initial training
30 according to this part and complete the competency evaluation and tests under part X. Before
31 performing delegated health-care duties and tasks according to Minnesota Statutes, sections
32 144G.62, 144G.71, and 144G.72, unlicensed personnel must comply with Minnesota
33 Statutes, section 144G.60, subdivision 4, paragraph (b).

- 1 B. Supervisors of unlicensed personnel providing assisted living services must be trained on
2 mental health and developmental disabilities according to subparts X and X.
- 3 C. All unlicensed personnel providing only supportive services must complete at least 35 hours
4 of initial training according to this part and complete the competency evaluation under
5 subpart X.
- 6 D. A licensed health professional working in the facility must receive at least eight hours of
7 initial dementia-care training on the topics under part X, item A, within 80 working hours of
8 being employed at the facility.
- 9 E. The initial training required under items A to C does not apply to:
- 10 1) individuals who are on the department’s Nursing Assistant Registry;
11 2) licensed health professionals;
12 3) out-of-state personnel according to subpart X; and
13 4) individuals who complete the challenge test under part X, subpart 5.
- 14 F. The required training under this subpart is in addition to the initial training on dementia care
15 as required by Minnesota Statutes, section 144G.64. Unless otherwise provided, individuals
16 under item E must complete the initial dementia-care training under part X.
- 17 G. For purposes of this part, “staff” or “staff member” includes:
- 18 1) unlicensed personnel providing assisted living services;
19 2) unlicensed personnel providing only supportive services;
20 3) temporary personnel;
21 4) supervisors of unlicensed personnel providing assisted living services; and
22 5) licensed health professionals.

23 **Subp. 2. Training program; content.**

- 24 A. A facility’s training program for all unlicensed personnel and supervisors of unlicensed
25 personnel must include the topics on competency evaluations under Minnesota Statutes, section
26 144G.61, subdivision 2, paragraph (a).
- 27 B. A facility’s training program for all unlicensed personnel providing assisted living services and
28 supervisors of unlicensed personnel providing assisted living services must include the topics on
29 competency evaluations under Minnesota Statutes, section 144G.61, subdivision 2, paragraph
30 (b).
- 31 C. In addition to items A and B, the training program must include training on:
- 32 1) staff self-care, including practices and resources for reducing stress and practicing self-
33 care;

- 1 2) providing assistance to resident and family councils under Minnesota Statutes, section
- 2 144G.41, subdivisions 5 and 6;
- 3 3) the facility's policy on discharging and transferring residents;
- 4 4) CPR and first aid;
- 5 5) accommodating residents with disabilities and residents who are non-English speakers;
- 6 6) cultural sensitivity, including methods to ensure cultural backgrounds are respected when
- 7 providing supportive and assisted living services;
- 8 7) grief and loss, including common symptoms associated with grief and loss; and
- 9 8) do-not-resuscitate orders, but only for unlicensed personnel providing assisted living
- 10 services and supervisors of unlicensed personnel providing assisted living services.

- 11 D. If a facility provides a new assisted living service that was not previously provided nor included
12 in the training program under this subpart and subpart 3, the facility's licensee must provide
13 training on the new assisted living service and comply with subpart 3, item B.

14 **Subp. 3. Training program; approval.**

- 15 A. A facility must use a department-approved training program listed on the department's website
16 or a training program approved according to this subpart.
- 17 B. If a facility is using a training program not listed on the department's website, the facility's
18 licensee must submit to the department:
- 19 1) the facility's name, address, and licensure category;
 - 20 2) the training program that the facility will use;
 - 21 3) the name of the instructor overseeing or providing the training program; and
 - 22 4) documentation showing that the training program meets the requirements of this part and
 - 23 Minnesota Statutes, chapter 144G.
- 24 C. The commissioner has 30 days to approve the training program after the licensee submits the
25 program to the department. The commissioner must disapprove the training program if it does
26 not meet the requirements of this part and Minnesota Statutes, chapter 144G.
- 27 D. A licensee must submit to the department any changes to the training program, and the
28 commissioner has 30 days to approve the changes after the licensee submits the changes. The
29 commissioner must disapprove the changes if they do not meet the requirements of this part and
30 Minnesota Statutes, chapter 144G.

31 **Subp. 4. Training requirements.**

- 1 A. The initial training must be conducted according to Minnesota Statutes, section 144G.83,
2 subdivision 4. No more than 35 hours of the required initial training under subpart 1 may be on-
3 the-job training.
- 4 B. After completing the initial training and passing the competency evaluation under part X,
5 unlicensed personnel providing assisted living services must be paired with a mentor unlicensed
6 personnel who has completed the competency evaluation and who has at least one year of work
7 experience in the facility. Unlicensed personnel must be paired with the mentor for at least 30
8 days, and the mentor must approve that the unlicensed personnel may provide assisted living
9 services unsupervised. This item applies to individuals under subpart 1, item E, subitems (3) and
10 (4).
- 11 C. For purposes of this part, “on-the-job training” means training in which an instructor, clinical
12 nurse supervisor, registered nurse, or staff member under subpart 1, item A, who has completed
13 the required training under this part provides assisted living services while a trainee observes but
14 does not provide any assisted living services.

15 **Subp. 5. Training timeline.** The initial training must be completed within 120 days of starting
16 work at the facility. Unlicensed personnel providing assisted living services and supervisors of
17 unlicensed personnel providing assisted living services may not provide assisted living services
18 until completing the training and passing the competency evaluation.

19 **Subp. 6. Temporary personnel.** Temporary personnel must comply with part X (dementia) and
20 subparts 1, items A and C; 4; and 5.

21 **Subp. 7. Out-of-state personnel.**

- 22 A. An individual from another state is exempt from the initial training requirements under this
23 part if:
- 24 1) the individual has an associate degree or higher and at least one year of work
25 experience in a licensed assisted living facility, nursing facility, or other health-care-
26 related facility with elderly residents;
 - 27 2) the individual was a certified nursing assistant or registered or licensed as a nursing
28 assistant from the other state; or
 - 29 3) the individual completes the challenge test under part X, subpart 5.
- 30 B. Before providing assisted living services and within seven calendar days of being employed
31 at the facility, the individual must provide documentation or records showing that the
32 individual is compliant with item A.

33 **Subp. 8. Training portability.**

1 A. Notwithstanding subpart 1, item E, a newly hired staff member is not required to complete the
2 training under this part and the competency evaluation under part X if the staff member:

- 3 1) is leaving a licensed facility in this state and previously completed the required initial
4 training at that facility; or
5 2) does not work at a licensed facility in this state but has completed the required initial
6 training within the last 18 months.

7 B. To comply with this subpart, a newly hired staff member must provide a certificate of training
8 under subpart 10 to a facility's assisted living director or managerial official before providing
9 assisted living services and within seven calendar days of being employed at the facility.

10 **Subp. 9. Instructor qualifications.**

11 A. An instructor overseeing or providing the training program under subpart 2 must be the facility's
12 clinical nurse supervisor or:

- 13 1) a registered nurse with at least two years' work experience in a nursing home, assisted
14 living facility, or other health-care-related setting with elderly residents; or
15 2) an individual with at least an associate degree in a health-care-related field and at least
16 four years' work experience in a nursing home, assisted living facility, or other health-
17 care-related setting with elderly residents.

18 B. The work experience under item A must be within the last five years.

19 **Subp. 10. Certificate of training.** An instructor under subpart 9 and part X must sign a
20 certificate of training for each staff member that completes the required initial training under this
21 part and the required initial dementia-care training under part X. The certificate of training must
22 be kept according to subpart 12.

23 **Subp. 11. Policies and procedures; manuals.** A facility's assisted living director or managerial
24 official must ensure that training manuals and information on the facility's required policies and
25 procedures under this chapter and Minnesota Statutes, chapter 144G, are available in the facility
26 and accessible to all staff.

27 **Subp. 12. Staff member's records.** An assisted living director or managerial official must
28 document in a staff member's records that the staff member completed the required initial
29 training under this part. This subpart applies to temporary personnel under subpart X.

30 **4659.XXXX DEMENTIA CARE; TRAINING PROGRAM.**
31

- 1 A. In addition to the required training topics on dementia care under Minnesota Statutes, section
2 144G.64, paragraph (b), all staff under Minnesota Statutes, section 144G.64, paragraph (a),
3 clauses (1) to (3), must receive initial training on:
- 4 1) physical restraints and alternatives to physical restraints under part X, subpart 2;
 - 5 2) pain assessment under part X, subpart 3;
 - 6 3) fall prevention under part X, subpart 4;
 - 7 4) elopement training under part X, subpart 5;
 - 8 5) medication, treatment, and therapy, including:
 - 9 a. side effects from medication;
 - 10 b. reporting side effects;
 - 11 c. chemical restraints as defined under Minnesota Statutes, section 245D.03,
12 subdivision 3b;
 - 13 d. resident refusal to take medications; and
 - 14 e. nonpharmacological practices and therapies.
- 15 B. An instructor providing or overseeing the training program under this part must be qualified
16 according to Minnesota Statutes, section 144G.83, subdivision 3.
- 17 C. The training program must be approved according to part X, subpart 3.
- 18 D. The training must be completed according to Minnesota Statutes, section 144G.64.
- 19 E. A facility's assisted living director or managerial official must comply with the notice
20 requirements under Minnesota Statutes, sections 144G.64, paragraph (c), and 144G.90,
21 subdivision 3.

22
23 **4659.XXXX SAFETY TRAINING AND INFECTION-CONTROL TRAINING.**

24 Subpart 1. **Applicability.** Subparts 2 and 3 apply to:

- 25 A. unlicensed personnel providing assisted living services;
- 26 B. unlicensed personnel providing only supportive services;
- 27 C. temporary personnel;
- 28 D. supervisors; and
- 29 E. licensed health professionals.

30 Subp. 2. **Safety training.** Safety training must be provided by an assisted living director or
31 managerial official or a supervisor who has received safety training and must include:

- 32 A. training on conducting fire drills according to the Life Safety Code and training on fire safety;

- 1 B. training on emergency communication during an disaster or emergency as defined under
- 2 Minnesota Statutes, section 12.03, subdivisions 2 and 3;
- 3 C. location of the facility's emergency exits;
- 4 D. location of first-aid kits and automated external defibrillators;
- 5 E. training on worker safety and information on the facility's injury policy, including contact
- 6 information for the Minnesota Department of Labor and Industry and the Occupational Safety
- 7 and Health Administration;
- 8 F. training on working with specialized equipment, if applicable; and
- 9 G. training on any other facility policy or procedure related to safety.

10 Subp. 3. **Infection-control training.** Training on infection control must be provided by an

11 assisted living director or managerial official or supervisor who has received infection-control

12 training and must include training on:

- 13 A. proper handwashing techniques;
- 14 B. protecting from exposure to blood and other bodily fluids;
- 15 C. disposing of contaminated or hazardous materials;
- 16 D. reporting exposure to contaminated or hazardous materials, blood, or other bodily fluids; and
- 17 E. the facility's illness policy.

18 **4659.XXXX SPECIALTY TRAINING; UNLICENSED PERSONNEL AND**

19 **SUPERVISORS.**

20

21 Subpart 1. **Applicability.** Subpart 2 to 4 apply to:

- 22 A. unlicensed personnel providing assisted living services;
- 23 B. unlicensed personnel providing only supportive services;
- 24 C. temporary personnel; and
- 25 D. supervisors.

26 Subp. 2. **Transportation training.** Transportation training must include training in defensive

27 driving and operating a vehicle containing a wheelchair lift or ramp. An individual under subpart

28 1 must be trained according to this subpart before transporting residents. Only an assisted living

29 director, managerial official, or individual with a certificate of compliance under part 8840.5400

30 may provide the training.

31 Subp. 3. **Food-handling training.**

- 32 A. Training on food handling must include:
- 33 1) basic training as it relates to the individual's job duties on food handling; and

1 2) training on the topics under Minnesota Statutes, section 144G.61, subdivision 2,
2 paragraph (a), clause (9).

3 B. An individual under subpart 1 must receive the training under this subpart before handling food,
4 preparing food, and assisting residents with eating.

5 **Subp. 4. Diabetes training.**

6 A. Before unlicensed personnel may administer insulin according to Minnesota Statutes, section
7 144G.71, subdivision 7, unlicensed personnel must receive training from a registered nurse on:

- 8 1) basic facts about diabetes and appropriate care for managing diabetes;
- 9 2) administering, storing, mixing, measuring, and injecting insulin;
- 10 3) treating and preventing hypoglycemia and hyperglycemia;
- 11 4) blood-glucose monitoring;
- 12 5) appropriate times to administer insulin; and
- 13 6) the procedure for contacting a registered nurse or other appropriate licensed health
14 professional regarding insulin-related questions or emergencies.

15 B. Before administering insulin, unlicensed personnel must be deemed competent by a registered
16 nurse.

17 **4659.XXXX SPECIALTY TRAINING; SUPERVISORS.**

18 **Subpart 1. Training on developmental disabilities.**

19 A. Supervisors of unlicensed personnel providing assisted living services must complete training
20 under this subpart within 120 days of starting work at a facility. The training must be at least four
21 hours and must include:
22 hours and must include:

- 23 1) an overview of developmental disabilities;
- 24 2) training on effective communication techniques, including both verbal and nonverbal
25 techniques;
- 26 3) training on understanding challenging behavior, including best practices for managing
27 challenging behavior; and
- 28 4) training on crisis prevention and intervention, including the main principles of crisis
29 prevention and intervention and how to support a resident experiencing a crisis.

30 B. The training under this part must be provided by an instructor with a four-year bachelor's degree,
31 a graduate degree, or a professional degree and two years' experience working with individuals
32 with developmental disabilities. The training under this subpart must be provided to unlicensed
33 personnel if requested by unlicensed personnel.

1 Subp. 2. **Training on mental health.**

- 2 A. Supervisors of unlicensed personnel providing assisted living services must complete training
3 under this subpart within 120 days of starting work at a facility. The training must be at least four
4 hours and must include:
- 5 1) information on mental disorders, including differentiating forms and types of mental
6 disorders and mental-health conditions;
 - 7 2) training on effective communication techniques, including behavior that impacts
8 communication;
 - 9 3) information and training on medication side effects, including ways to effectively
10 respond to side effects;
 - 11 4) training on nonpharmacological practices to alleviate mental-illness symptoms and
12 manage challenging behavior; and
 - 13 5) training on crisis prevention and intervention, including suicide prevention.
- 14 B. The training under this part must be provided by an instructor with a four-year bachelor's degree,
15 a graduate degree, or a professional degree in a mental-health-related field and at least two years'
16 work experience working with individuals with a mental illness. The training under this subpart
17 must be provided to unlicensed personnel if requested by unlicensed personnel.

18 **4659.XXXX SPECIALTY TRAINING; DEMENTIA.**

19 Subpart 1. **Applicability.**

- 20 A. Subparts 2 to 5 apply to:
- 21 1) staff under Minnesota Statutes, section 144G.64;
 - 22 2) temporary personnel providing assisted living services; and
 - 23 3) individuals under part X, subpart 1, item E, providing assisted living services.
- 24 B. This part does not apply to new employees according to Minnesota Statutes, section 144G.64,
25 paragraph (a), clause (4).

26 Subp. 2. **Physical restraints.** Training on physical restraints must be provided by a registered
27 nurse and must include:

- 28 A. training and information on restraint-free alternatives to physical restraints;
- 29 B. training and information on the types of physical restraints and the facility's policy on restraints;
- 30 C. information on medical causes or other causes that may warrant using physical restraints;
- 31 D. information on the negative health and safety consequences for a resident when physical
32 restraints are used;
- 33

- 1 E. training on monitoring and caring for residents who are physically restrained; and
2 F. training on safely transitioning from physical restraints to restraint-free alternatives.
- 3 Subp. 3. **Pain assessment.** Training on assessing resident pain must be provided by a registered
4 nurse and must include:
- 5 A. information on how poorly managed pain can result in behavioral symptoms and unnecessary
6 use of psychotropic medications;
7 B. training on properly communicating with residents about their pain experiences and side effects
8 of medications;
9 C. training on tailoring pain-management techniques to a resident according to the resident's service
10 plan and assessments; and
11 D. training on recording pain observations and reporting signs of pain to a licensed health
12 professional.
- 13 Subp. 4. **Fall prevention.**
- 14 A. Training on preventing resident falls must be provided by a registered nurse and must include
15 training on how a facility's environmental conditions may contribute to resident falls and how to
16 be aware of the environmental conditions when providing assisted living services. Environmental
17 conditions include:
- 18 1) lighting, including glare;
19 2) obstructions in a resident's room and the facility's common areas;
20 3) floor surfaces, including whether the floor is a nonslip surface;
21 4) availability, sturdiness, and visibility of handrails and furniture;
22 5) accessibility to bathrooms and dining areas;
23 6) a resident's personal safety devices such as a cane, walker, wheelchair, or other mobility
24 device;
25 7) a resident's footwear; and
26 8) any other environmental condition that is likely to increase a resident's chance of falling.
- 27 B. Training must include:
- 28 1) how to monitor a resident's condition and whether any changes in a resident's condition
29 increase a resident's chance of falling; and
30 2) how to report a resident's change in condition.
- 31 C. Training must include information on the importance of resident mobility and promoting and
32 having residents use assistive devices.
- 33 D. Training must include how to manage and report a fall.

1 Subp. 5. **Elopement training.** Training on elopement must be provided by an individual
2 qualified according to Minnesota Statutes, section 144G.83, subdivision 3. The training must
3 include:

- 4 A. information on why individuals with dementia and other cognitive impairments wander
5 and elope;
- 6 B. information on the benefits and detrimental effects of wandering for residents with
7 dementia and other cognitive impairments;
- 8 C. training on supporting a resident who wanders and minimizing unsafe wandering; and
- 9 D. training on using safety devices that help prevent a resident from eloping.

10
11 **4659.XXXX ANNUAL TRAINING.**

12 Subpart 1. **Annual training required.**

- 13 A. All unlicensed personnel providing assisted living services and supervisors of unlicensed
14 personnel providing assisted living services must complete annual training as required by
15 Minnesota Statutes, sections 144G.63, subdivision 5, and 144G.64, paragraph (a), clauses (1) to
16 (3).
- 17 B. An instructor under subpart 3 must provide the required training under this part.
- 18 C. For purposes of this part, “staff” or “staff member” includes unlicensed personnel providing
19 assisted living services, unlicensed personnel providing only supportive services, and supervisors
20 of unlicensed personnel providing assisted living services.

21 Subp. 2. **Training topics.**

- 22 A. All staff under subpart 1, item A, must complete annual training on the topics listed under
23 Minnesota Statutes, sections 144G.63, subdivision 5, paragraph (a), and 144G.64, paragraph (b).
- 24 B. In addition to the required training topics under Minnesota Statutes, section 144G.63,
25 subdivision 5, paragraph (a), all staff under subpart 1, item A, must receive annual training on:
 - 26 1) emergency-and-disaster training as required under part XXXX and Minnesota Statutes,
27 section 144G.42, subdivision 10, paragraph (b);
 - 28 2) safety training under part X, subpart 2;
 - 29 3) basic communication skills, including both verbal and nonverbal communication;
 - 30 4) the facility’s grievance procedure under part X;
 - 31 5) records management, including training on the facility’s system for logging and tracking:
32 a. resident data related to supportive services and assisted living services; and

- 1 b. any other data the facility must maintain according to this chapter and Minnesota
2 Statutes, chapter 144G, and that staff are allowed by law to maintain; and
- 3 6) performing delegated duties and tasks according to Minnesota Statutes, sections 144G.62,
4 144G.71, and 144G.72.
- 5 C. A licensed health professional must receive at least at least two hours of annual training on topics
6 under part X (dementia).
- 7 D. In addition to the required training under Minnesota Statutes, section 144G.64, paragraph (a),
8 clause (4), all unlicensed personnel who provide only supportive services must complete at least
9 four hours of annual training on:
- 10 1) reporting maltreatment of vulnerable adults under Minnesota Statutes, section 626.557, to
11 the Minnesota Adult Abuse Reporting Center;
- 12 2) emergency-and-disaster training as required under part XXXX and Minnesota Statutes,
13 section 144G.42, subdivision 10, paragraph (b);
- 14 3) safety training under part X, subpart 2;
- 15 4) basic communication skills, including both verbal and nonverbal communication; and
- 16 5) the facility's grievance procedure under part X.
- 17 **Subp. 3. Instructor qualifications.**
- 18 A. An instructor providing or overseeing annual training on topics under subpart 2, item B, and
19 Minnesota Statutes, section 144G.63, subdivision 5, paragraph (a), must:
- 20 1) have at least two years' work and supervisor experience in a nursing facility, assisted
21 living facility, or other health-care-related facility with elderly residents;
- 22 2) be the facility's clinical nurse supervisor;
- 23 3) be licensed as a registered nurse or advanced practice registered nurse; or
- 24 4) have a four-year bachelor's degree, a graduate degree, or a professional degree in
25 gerontology or another health-care field related to caring for the elderly and at least one
26 year of work experience in gerontology or another health-care field related to caring for
27 the elderly.
- 28 B. An instructor providing or overseeing annual training on topics related to dementia care under
29 subpart 2, item C, and Minnesota Statutes, section 144G.64, paragraph (b), must be qualified
30 according to Minnesota Statutes, section 144G.83, subdivision 3.
- 31 C. An instructor providing training on hearing loss under Minnesota Statutes, section 144G.63,
32 subdivision 2, paragraph (b), must have at least two years' work experience related to age-related
33 hearing loss.

1 D. An assisted living director or managerial official must keep in the facility’s records the following
2 information on an instructor under this subpart:

- 3 1) the instructor’s name;
- 4 2) the instructor’s qualifications according to item A, B, or C;
- 5 3) the training the instructor provided;
- 6 4) the date the instructor provided the training; and
- 7 5) the number of hours the instructor provided the training.

8 Subp. 4. **Training method.** The required annual training under this part must be conducted
9 according to Minnesota Statutes, section 144G.83, subdivision 4. At least half of the required
10 annual training must be conducted in person.

11 Subp. 5. **Staff member’s records.** An assisted living director or managerial official must
12 document in a staff member’s records that the staff member completed the required annual
13 training under this part.

14
15 **4659.XXXX. COMPETENCY EVALUATION; KNOWLEDGE AND PRACTICAL-SKILLS**
16 **TESTS.**

17 Subpart 1. **Competency evaluation required; timeline.**

- 18 A. All unlicensed personnel and supervisors of unlicensed personnel providing assisted living
19 services must complete the competency evaluation under this part.
- 20 B. Unlicensed personnel providing assisted living services and supervisors of unlicensed personnel
21 providing assisted living services must complete the competency evaluation before providing
22 assisted living services.
- 23 C. Unlicensed personnel providing only supportive services and supervisors of unlicensed personnel
24 providing only supportive services must complete the competency evaluation under this part
25 within 14 calendar days after completing the required initial training under part X.
- 26 D. For purposes of this part, “unlicensed personnel” includes temporary personnel.

27 Subp. 2. **Evaluation content.** Unlicensed personnel and supervisors of unlicensed personnel
28 providing assisted living services must be evaluated on the topics under Minnesota Statutes,
29 section 144G.61, subdivision 2, paragraphs (a) and (b). Additionally, all unlicensed personnel
30 and supervisors must be evaluated on CPR and first aid.

31 Subp. 3. **Evaluation instructor; evaluating competency.**

- 1 A. Notwithstanding Minnesota Statutes, section 144G.61, subdivision 1, clause (1), a facility's
2 clinical nurse supervisor or a registered nurse must evaluate unlicensed personnel and
3 supervisors according to subpart 2.
- 4 B. To complete the evaluation, unlicensed personnel and supervisors must be deemed competent in
5 every topic under subpart 2 as required by Minnesota Statutes, section 144G.60, subdivision 4.
- 6 C. Unlicensed personnel and supervisors must be retrained in any topic under subpart 2 in which
7 they are not deemed competent after two attempts at demonstrating competency.
- 8 D. Accommodations during the evaluation must be made for individuals with a disability, including
9 a learning disability.

10 **Subp. 4. Required tests.**

- 11 A. The following required tests must be completed according to Minnesota Statutes, sections
12 144G.60, subdivision 4, and 144G.83, clause (2):
- 13 1) the written or oral test;
- 14 2) the practical-skills test; and
- 15 3) the skills-competency or knowledge test.
- 16 B. The tests under item A must be developed or approved by the commissioner. The commissioner
17 must post information on the tests, including testing material, content, scoring guide, location
18 information, and any other relevant testing-related information and materials.
- 19 C. A score of 75 percent or greater is required to pass each test, and accommodations must be made
20 for individuals with a disability, including a learning disability, or for individuals who speak
21 English as a second language.
- 22 D. Unlicensed personnel providing assisted living services, temporary personnel, and supervisors of
23 unlicensed personnel providing assisted living services, must retake the initial training under part
24 X if the staff member fails the required test twice.
- 25 E. An instructor under Minnesota Statutes, section 144G.83, clause (2), must pass the required test
26 under item A before providing training according to this chapter.

27 **Subp. 5. Challenge test.**

- 28 A. An assisted living director or managerial official must waive the initial training requirements
29 under part X if an individual passes the challenge test according to this subpart.
- 30 B. The challenge test is the same test as the one given under subpart 4, item A. A score of 90
31 percent or greater is required to pass each test, and accommodations must be made for
32 individuals with a disability, including a learning disability, or for individuals who speak English
33 as a second language.

1 C. An individual taking a challenge test must take the initial training under part X if the individual
2 does not pass the test on the first attempt.

3 D. There is no challenge test for initial dementia-care training.

4 **Subp. 6. Records.**

5 A. An assisted living director or managerial official must document in a staff member's records that
6 the staff member completed the required evaluation and tests under this part.

7 B. For purposes of this subpart, "staff member" includes all individuals required to take the
8 evaluation and tests under this part.

9
10 **4659.XXXX GRIEVANCE PROCEDURE.**

11 A. An assisted living director or managerial official must develop a facility's grievance procedure.
12 The grievance procedure must comply with Minnesota Statutes, section 144G.41, subdivision 7,
13 and include in the posted notice:

- 14 1) the statement under Minnesota Statutes, section 144G.90, subdivision 1, paragraph (b);
- 15 2) a statement saying the grievance may be submitted orally or by writing and informing of
16 a right to a response, including a written response if requested; and
- 17 3) a statement saying that the individual submitting the grievance is prohibited from being
18 retaliated against.

19 B. An assisted living director, managerial official, or supervisor is responsible for handling,
20 including responding to and managing:

- 21 1) resident grievances, including grievances from resident councils under Minnesota
22 Statutes, section 144G.41, subdivision 5;
- 23 2) grievances from a resident's family, including from family councils under Minnesota
24 Statutes, section 144G.41, subdivision 6;
- 25 3) grievances from a resident's legal and designated representatives; and
- 26 4) grievances from a volunteer.

27 C. An assisted living director, managerial official, or supervisor must be available on-site in the
28 facility to receive a grievance during the facility's normal business hours.

29 D. The grievance procedure must include an informal dispute resolution for handling grievances and
30 a procedure for documenting the grievance, including whether and how the grievance was
31 resolved.

- 1 E. An assisted living director, managerial official, or supervisor must respond to a grievance as
2 soon as possible, but no longer than 14 days after the grievance was submitted. A written copy of
3 the response must be provided if requested by the individual who submitted the grievance.
- 4 F. A grievance and related documentation must be maintained for one year after the grievance has
5 been resolved or, if not resolved, reported.
- 6 G. An assisted living director or managerial official must make the facility's grievance procedure
7 and all documented grievances under item F available to the commissioner upon request.