

# Minnesota Department of Health

## Division of Health Regulation

### REQUEST FOR COMMENTS

#### **Possible Amendment to Rules Governing Nursing Home Licensure, *Minnesota Rules, Chapter 4658*; Revisor's ID Number R-4799**

**Subject of Rules.** The Minnesota Department of Health requests comments on its possible amendment to rules governing nursing home licensure. The department is considering rule amendments that incorporate new change of ownership language in Minn. Stat. 144A, enacted in 2022, that clarifies the change of ownership process for nursing home facilities and establishes that a change in ownership necessitates a new license. The department is also looking to update the rule regarding the training for medication aides, to allow additional training opportunities while retaining the current standards for the training. The department will look at making minor updates to the rules based on law changes and industry standards.

**Persons Affected.** The amendment to the rules would likely affect current and future nursing home licensees, nursing home staff, higher education institutions that currently or prospectively will offer medication administration training for unlicensed staff, nursing home residents and their family members.

**Statutory Authority.** *Minnesota Statutes*, section 144A.03, subdivision 1, authorizes the department to adopt rules for nursing home license applications. *Minnesota Statutes*, section 144A.08, subdivision 1, authorizes the department to adopt rules for the construction, maintenance, equipping, and operation of nursing homes.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The department does not plan to appoint an advisory committee to comment on the possible rules.

The department is also interested in whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances, including whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for one small city or business under Minnesota Statutes 14.127.

**Rules Drafts.** The department has not yet drafted the possible rule amendments. When a rule draft becomes available, the department will post it to its webpage for this rulemaking project, a link to which can be found at <https://www.health.state.mn.us/data/rules/docket.html>.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, when it has been prepared, and requests for more information on these possible rules should be directed to:

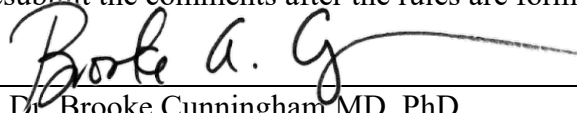
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**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

July 10, 2023

Dated:



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