

# Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."  
**Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Nursing Home Workforce Standards Board Proposed Expedited Permanent Rules Establishing Minimum Nursing Home Wage Standards; Notice of Intent to Adopt Expedited Permanent Rules Without A Public Hearing

**Proposed Rules Governing Initial Wage Standards for Nursing Home Workers; Minnesota Rules, Part 5200.2060, Revisor's ID Number R-04869.**

**Introduction.** The Minnesota Nursing Home Workforce Standards Board ("Board") intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until July 24, 2024.

**Contact Person.** Submit comments or questions on the rules to: Leah Solo, Executive Director, Nursing Home Workforce Standards Board, 443 Lafayette Rd. N., St. Paul, MN 55155, phone (651) 284-5076, and email to [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us). You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules establish initial wage standards for nursing home workers. Specifically, the proposed rules establish minimum nursing home employment standards that are reasonably necessary and appropriate to protect the health and welfare of nursing home workers.

The statutory authority to adopt the proposed rules and adopt the rules under the expedited rulemaking process is Minnesota Statutes, section 181.213, subdivision 1(a)-(b) (granting authority to adopt initial wage standards for nursing home workers). A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed at:

<https://dli.mn.gov/about-department/rulemaking/nhwsb-rulemaking-expedited-rules-wages>.

**Comments.** You have until 4:30 p.m. on July 24, 2024, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Board contact person or submitted on the Office of Administrative Hearings Rulemaking eComments website by the due date. The Board encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change proposed. You should also make any comments that you have on the legality of the proposed rules during this comment period. Important: Comments will be made available to the public. Please only submit information that you wish to make available publicly.

---

---

# Expedited Rules

**Modifications.** The Board may modify the proposed expedited rules using either of two avenues: The Board may modify the rules directly so long as the modifications do not make them “substantially different” as defined in Minnesota Statutes, section 14.05, subdivision 2, paragraphs (b) and (c); or the Board may adopt substantially different rules if it follows the procedure under Minnesota Rules, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the Board will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the Board must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**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 Board contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption and Review of Expedited Rules.** The Board may adopt the rules at the end of the comment period. The Board will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Board submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Board to receive notice of future rule proceedings, submit your request to the Board contact person listed above.

Date: 6/17/2024

Jamie Gulley, Chair  
Minnesota Nursing Home Workforce Standards Board

## **5200.2060 DEFINITIONS.**

Subpart 1. **Scope.** Unless otherwise defined in this part, the terms used in parts 5200.2060 to 5200.2090 have the meanings given in Minnesota Statutes, section 181.211.

Subp. 2. **Certified nursing assistant.** “Certified nursing assistant” means a person who has received training and provides or assists in the provision of nursing or nursing-related services in a nursing home consistent with the requirements under Minnesota Statutes, section 144A.61.

Subp. 3. **Licensed practical nurse.** “Licensed practical nurse” means a person who engages in the practice of practical nursing, as defined in Minnesota Statutes, section 148.171, subdivision 14, in a nursing home.

Subp. 4. **Trained medication aide.** “Trained medication aide” means a person who has received training and administers medications in a nursing home consistent with the requirements under part 4658.1360.

## **5200.2070 APPLICABILITY.**

Subpart 1. **Statewide minimum wage standards.** The wage standards for nursing home workers under parts 5200.2080 and 5200.2090 apply statewide.

Subp. 2. **Appropriation required.** The wage standards under parts 5200.2080 and 5200.2090 are not effective until:

A. the legislature provides an appropriation, as determined by Minnesota Statutes, sections 256R.21 and 256R.25, sufficient to cover the necessary rate increase; and

B. federal approval of the rate increase is obtained.

# Expedited Rules

---

---

Subp. 3. **Modified implementation date.** Unless federal approval of the rate increase under subpart 2 is obtained by December 1, 2025, the wage standards under parts 5200.2080 and 5200.2090 shall become effective 30 days after federal approval of the rate increase is obtained.

## **5200.2080 GENERAL WAGE STANDARDS.**

Beginning January 1, 2026, the minimum wage for all nursing home workers is \$19 per hour. Beginning January 1, 2027, the minimum wage for all nursing home workers is \$20.50 per hour.

## **5200.2090 WAGE STANDARDS FOR CERTAIN OCCUPATIONS.**

Notwithstanding the statewide minimum wage established in part 5200.2080, the minimum wage for certified nursing assistants, trained medication aides, and licensed practical nurses is:

A. Beginning January 1, 2026, the minimum wage for certified nursing assistants is \$22.50 per hour. Beginning January 1, 2027, the minimum wage for certified nursing assistants is \$24 per hour.

B. Beginning January 1, 2026, the minimum wage for trained medication aides is \$23.50 per hour. Beginning January 1, 2027, the minimum wage for trained medication aides is \$25 per hour.

C. Beginning January 1, 2026, the minimum wage for licensed practical nurses is \$27 per hour. Beginning January 1, 2027, the minimum wage for licensed practical nurses is \$28.50 per hour.