Sec. 22. [144A.4796] HOME CARE PROVIDER RESPONSIBILITIES; STAFF

Subd. 1. Qualifications, training and competency. All staff providing home care services must be trained and competent in the provision of home care services consistent with current practice standards appropriate to the client's needs.

Subdivision 2. Licensed health professionals and nurses. (a) Licensed health professionals such as dietitians, social workers, occupational therapists, physical therapists, respiratory therapists, and speech language pathologists and nurses providing home care services as an employee of a licensed home care provider must possess current Minnesota license or registration to practice.

(b) Licensed health professionals must be competent in assessing client needs, planning appropriate home care services to meet client needs, implementing services, and supervising staff if assigned.

(c) Nothing in this chapter limits or expands the rights of nurses or licensed health professionals to provide services within the scope of their licenses or registrations, as provided by law.

Subd. 3. Unlicensed Personnel.

(a) Unlicensed personnel providing basic home care services must have:
   (1) successfully completed a training and competency evaluation appropriate to the services provided by the home care provider and the topics identified in Subd 6, B; or
   (2) demonstrated competency by satisfactorily completing a written, oral, or practical test as in Subd 6 D on the tasks the unlicensed personnel will perform and in the topics listed in section Subd 6 B

(b) Unlicensed personnel providing home care services for a basic home care provider may not perform delegated nursing or therapy tasks.

(b). Unlicensed personnel performing delegated nursing tasks for a comprehensive home care provider must have:
(1) successfully completed training appropriate to the services provided and a competency evaluation administered by a registered nurse covering the topics in Subd 6 c; or

(2) demonstrated competency by successfully completing a written, oral, or practical test as per Subd 6 d of the topics in subd 6 and all the delegated home care tasks they will perform; or

(3) successfully completed training in another jurisdiction substantially equivalent to that required by section 3 and 4; or

(4) satisfied the requirements of Medicare for training or competency of home health aides, as provided by Code of Federal Regulations, title 42, section 484.36; or

(5) before April 19, 1993, completed a training course of at least 60 hours for Nursing assistants that was approved by the department; or

(6) maintained current registration on the Minnesota nursing assistant registry.

(c) Unlicensed personnel performing therapy or treatment tasks delegated or assigned by a licensed health professional must meet the requirements for delegated tasks in subdivision X and any other training or competency requirements within the licensed health professional scope of practice relating to delegation or assignment of tasks to unlicensed personnel.

Subd 4. independent individual contractor. When a home care provider contracts with an independent contractor who is excluded from licensure to provide home care services to its clients, the independent contractor must meet the same requirements required by this chapter for personnel employed by the home care provider.

Subd 5. temporary staff. When a home care provider contracts with a temporary staffing agency excluded from licensure under section 144A.473, subdivision 6, clause (4), those individuals must meet the same requirements required by this chapter for personnel employed by the home care provider.
Subd 6. Requirements for instructors, training content and competency evaluations for ULP.

a). Requirements for **Instructors and Competency Evaluators**

(1) Training and competency evaluations of unlicensed personnel providing basic home care services must be conducted by individuals with work experience and training in provision home care services listed in Item 3.

(2) Training and competency evaluations of unlicensed personnel providing comprehensive home care services must be conducted by a registered nurse or another instructor may provide training in conjunction with the registered nurse. If the home care provider is providing services by licensed health professionals only then that specific training and competency evaluation may be conducted by the licensed health professionals as appropriate,

b). **Content of Training for unlicensed personnel.** Training for all ULP must include the following:

(1) documentation requirements for all services provided;

(2) reporting changes in the client's condition to the supervisor designated by the home care provider;

(3) basic infection control, including blood-borne pathogens;

(4) maintenance of a clean and safe environment;

(5) appropriate and safe techniques in personal hygiene and grooming, including:

   (i) hair care and bathing;

   (ii) care of teeth, gums, and oral prosthetic devices;

   (iii) care and use of hearing aids; and

   (iv) dressing and assisting with toileting;

(6) training on the prevention of falls for providers working with elderly or individuals at risk of falls;
(7) standby assistance techniques and how to perform them;
(8) medication, exercise, and treatment reminders;
(9) basic nutrition, meal preparation, food safety, and assistance with eating;
(10) preparation of modified diets as ordered by licensed health professional;
(11) communication skills that include preserving the dignity of the client and showing respect for the client and the client's preferences, cultural background, and family;
(12) awareness of confidentiality and privacy;
(13) understanding appropriate boundaries between staff and client and the client's family;
(14) procedures to utilize in handling various emergency situations; and
(15) awareness of commonly used health technology equipment and assistive devices.

Staff providing home care services must be oriented specifically to each individual client and the services to be provided. This orientation may be provided in person, orally, in writing, or electronically.

(C). In addition to part (above) training for ULP providing Comprehensive Home Care must include:

(1) observation, reporting, and documenting of client status;
(2) basic knowledge of body functioning and changes in body functioning, injuries, or other observed changes that must be reported to appropriate personnel;
(3) reading and recording temperature, pulse, and respirations of the client;
(4) recognizing physical, emotional, cognitive, and developmental needs of the client;
(5) safe transfer techniques and ambulation;
(6) range of motion and positioning; and
(7) administering medications or treatments as required.

(D) ULP providing basic home care services must successfully demonstrate competency through a practical skills test in tasks listed in Section B, 3, 5, 7 and 8.

E) ULP providing basic home care services must successfully demonstrate competency through a practical skills test in tasks listed in Section B -- 3, 5, 6, 7,

(f) Requirements relating to Delegation of tasks.

When the registered nurse or licensed health professional determines that they will delegate tasks, they must ensure prior to the delegation that ULP is trained in the proper methods to perform the tasks and procedures for each client and are able to demonstrate their ability to competently follow the procedures.

If a staff person has not performed the delegated home care task for a continuous period of 24 consecutive months, they must demonstrate competency in the task to the registered nurse or appropriate licensed health professional.

Sec. 23. [144A.4797] Orientation and Annual Training Requirements

49.14 Subd. 2. Orientation of staff and supervisors to home care. Staff providing and supervising home care services must complete an orientation to home care licensing requirements and regulations before providing home care services to clients. The orientation may be incorporated into the training required under this section ( XXXX) . The orientation need only be completed once for each staff person and is not transferrable to another home care provider.

49.20 Subd. 3. Content. The orientation must contain the following topics:

49.21 (1) an overview of sections 144A.43 to 144A.4799;
49.22 (2) introduction and review of all the provider's policies and procedures;
49.23 (3) handling of emergencies and use of emergency services;
49.24 (4) compliance and reporting the maltreatment of vulnerable minors or vulnerable adults under sections 626.556 and 626.557;
49.26 (5) home care bill of rights, under section 144A.44;
49.27 (6) handling of clients’ complaints and reporting of complaints (need to insert CEP?) to the Office of
49.28 Health Facility Complaints;
49.29 (7) consumer advocacy services of the Office of Ombudsman for Long-Term Care,
49.30 Office of Ombudsman for Mental Health and Developmental Disabilities, Managed Care Ombudsman at the Department of Human Services, or county managed care advocates;
49.32 and
49.33 (8) review of types of home care services the employee will be providing and the
49.34 provider’s scope of licensure.

Subd. 4. **Verification and documentation of orientation.** Each home care provider shall retain evidence in the personnel record of each staff person having completed the orientation required by this section.

Subd. 7. **Training required relating to Alzheimer's disease and related disorders.**

51.5 For home care providers that market, promote, or provide services for persons with Alzheimer's or related disorders, all direct care staff and their supervisors must receive training that includes a current explanation of Alzheimer’s disease and related disorders, how to assist clients with activities of daily living, effective approaches to use to problem solve when working with a client's challenging behaviors, and how to communicate with clients who have Alzheimer's or related disorders.

51.11 Subd. 8. **Required annual training.** (a) All staff that perform home care services must complete at least eight hours of annual training for each 12 months of employment. This may be obtained from the home care provider or another source and must include topics relevant to the provision of home care services. The annual training must include:
51.16 (1) training on reporting of maltreatment of minors under section 626.556 and
maltreatment of vulnerable adults under section 626.557, whichever is applicable to the
services provided; and
51.19 (2) review of the home care bill of rights in section 144A.44.
51.20 (3) training in infection control techniques used in the home and implementation of
infection control standards. The training must include:
   a. handwashing techniques;
   b. the need for and use of protective gloves, gowns, and masks;
   c. appropriate disposal of contaminated materials and equipment, such as dressings,
   d. needles, syringes, and razor blades;
   e. disinfecting reusable equipment;
   f. disinfecting environmental surfaces; and
   g. infection controls and reporting of communicable diseases.
51.32 Subd. 9. Documentation. A home care provider must retain documentation in the
personnel records of the staff that have satisfied the annual training requirements of this
section.

52.9

Subd. 12. Delegation of home care services tasks. A registered nurse or other licensed
health professional may delegate tasks only to staff that are competent and possess the
knowledge and skills consistent with the complexity of the tasks and in accordance with the
appropriate Minnesota practice act in sections 148.171 to 148.285, or other applicable practice acts.

The comprehensive home care provider must establish and implement a system to communicate up-to-date information to the registered nurse or licensed health professional regarding the current available staff and their competency so the registered nurse or licensed health professional has sufficient information to determine the appropriateness of delegating services or tasks to meet individual client needs and preferences.

The registered nurse or licensed health professional must document instructions for the delegated tasks in the client’s record.