

Nursing Home Workforce Standards Board Worker Organizations: Requirements and Process for Certification to Train Workers.

DEFINITIONS

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

Subpart 2. **Applicant.** “Applicant” means a worker organization that applies to become a certified worker organization or renew its certification.

Subpart 3. **Executive director.** “Executive director” means the executive director of the Minnesota Nursing Home Workforce Standards Board.

Subpart 4. **Updated standards.** “Updated standards” means nursing home employment standards that are created pursuant to Minnesota Statutes, section 181.213, subdivision 3(2).

APPLICATION FOR CERTIFICATION AND RENEWAL

Subpart 1. **Requirements to become a certified worker organization.** To become a certified worker organization, an applicant must meet the definition of worker organization in Minnesota Statutes, section 181.211 and:

- a) be able to provide training that follows curriculum established by the Board and includes a synchronous portion for fielding questions from nursing home workers;
- b) be able to provide training, follow-up written materials, and responses to inquiries in a language in which a nursing home worker is proficient;
- c) submit complete information satisfying the application requirements set forth in subpart 2 below;
- d) be able to provide training records to nursing home; and
- e) keep records for five ~~two~~ years of workers who attend a training, including when the worker was trained.

Subpart 2. **Application.**

(1) To become certified, an applicant must file with the Board a fully completed application, in a format prescribed by the Board, that includes:

- a) the applicant’s legal business name;
- b) the applicant’s federal employer tax number;
- c) a list of the applicant’s board of directors;
- d) an affirmation that the applicant is exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code;
- e) an affirmation that the applicant is not dominated or interfered with by any nursing home employer within the meaning of United States Code, title 29, section 158a(2);

- f) an explanation and evidence demonstrating that the applicant has at least five years of experience engaging with and advocating for nursing home workers;
 - g) an affirmation that data received from a nursing home employer in connection to the training of its nursing home workers will be maintained according to any applicable data security law(s) and used only for the purposes set forth in Minnesota Statutes, section 181.214, subdivision 5;
 - h) information demonstrating that the applicant can follow the curriculum established by the Board and otherwise satisfy the requirements of Minnesota Statutes, section 181.214, including:
 - i) the training materials the applicant proposes to use;
 - ii) the follow-up materials the applicant proposes to send to nursing home workers after trainings, which must include a certificate of completion formatted in a manner prescribed by the Board;
 - iii) an affirmation that the applicant can provide training, follow-up written materials, and responses to inquiries in a language in which a nursing home worker is proficient;
 - i) an affirmation that the applicant will update its curriculum as the Board updates the curriculum; ~~and~~
 - j) an affirmation that the applicant will provide nursing homes with applicable training records; and
 - k) an affirmation that the information provided in the application is true.
- 2) An applicant may request that the executive director or the executive director's designee examine parts of the application and answer questions related to eligibility.

Subpart 3. **Renewal application.**

Within 30 days of updated standards becoming effective, the Board will open a renewal application period. The renewal application period will last 60 days, during which time a certified worker organization must apply for renewal of its certification if it wishes to remain certified. The applicant must file with the Board a complete renewal application, in a format prescribed by the Board, that includes:

- a. updates to any information previously provided to the Board;
- b. an affirmation that the applicant has reviewed any updated standards and curriculum established by the Board;
- c. an affirmation that the applicant will educate its trainers on the updated standards and curriculum;
- d. an affirmation that data received from a nursing home employer in connection to the training of its nursing home workers will be maintained according to any applicable data security law(s) and used only for the purposes set forth in Minnesota Statutes, section 181.214, subdivision 5; and
- e. an affirmation that all information in the application is true.

APPROVAL, DENIAL, REVOCATION, AND CESSATION OF CERTIFICATION

Subpart 1. **Decision on a worker organization's application or renewal application.**

- 1) Within 90 days of receiving a fully completed application for certification or renewal of certification, the Board shall approve or deny the application.
- 2) When an initial application is approved, the Board shall assign a unique identification number for the certified worker organization.

Subpart 2. Denial or revocation of certification.

- 1) The Board may deny an application for certification or recertification, or revoke certification, if an organization does any of the following:
 - a. provides false information to the Board;
 - b. fails to meet the necessary organizational requirements set forth under the law;
 - c. fails to provide trainings as required; ~~or~~
 - d. fails to provide training records to nursing homes; or
 - e. commits acts that demonstrate incompetence, untrustworthiness, financial irresponsibility, or dishonesty.
- 2) The executive director or the executive's director's designee may receive complaints about an applicant or certified worker organization violating the rules provided in this section. The executive director or the executive's director's designee shall investigate the validity of the complaint and recommend to the Board whether revocation is appropriate.
- 3) If an application is denied, the applicant may not submit another application within six months of the denial.
- 4) If a certification is revoked, the applicant may not submit another application within one year of the revocation.

Subpart 3. Cessation of certification.

- 1) If an organization decides to discontinue providing training to nursing home workers, it must notify the Board as soon as practicable, and in any event within five business days.
- 2) Within 10 business days of notifying the Board that the organization is no longer available for trainings, the organization must confirm to the Board that:
 - a. all nursing workers who were trained by the organization received certifications of completion as prescribed by the board ~~unique identifiers~~ and follow-up materials;
 - b. all nursing home workers who were trained by the organization were informed that the organization would no longer be available to respond to inquiries related to nursing home workforce standards; ~~and~~
 - c. all nursing home workers who had upcoming trainings scheduled with the organization were informed of the organization's decision to no longer provide trainings; ~~and~~
 - d. all nursing home employers have received the proper documentation of worker attendance at trainings.

BOARD RESOURCES

- 1) The Board shall maintain a current list of certified worker organizations on its public website.
- 2) The list must include information about each certified worker organization's ability to provide trainings in various geographic locations; ability to train virtually; availability to train during various work shifts; and contact information for the person responsible for ongoing communication with nursing home employers.

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