

1.1 ..... moves to amend H.F. No. 3308, the first engrossment, as follows:

1.2 Page 4, after line 25, insert:

1.3 "Sec. .... Minnesota Statutes 2016, section 144A.442, is amended to read:

1.4 **144A.442 ASSISTED LIVING CLIENTS; SERVICE ARRANGED HOME CARE**  
1.5 **PROVIDER RESPONSIBILITIES; TERMINATION OF SERVICES.**

1.6 Subdivision 1. **Legislative intent.** It is the intent of the legislature to ensure to the greatest  
1.7 extent possible stability of services for persons residing in housing with services  
1.8 establishments.

1.9 Subd. 2. **Definitions.** For the purposes of this section, "arranged home care provider"  
1.10 has the meaning given in section 144D.01, subdivision 2a, and "assisted living client" has  
1.11 the meaning given in section 144G.01, subdivision 3.

1.12 Subd. 3. **Notice; permissible reasons to terminate services.** (a) Except as provided in  
1.13 paragraph (b), an arranged home care provider must provide at least 30 days' notice prior  
1.14 to terminating a service contract. Notwithstanding any other provision of law, an arranged  
1.15 home care provider may terminate services only if the assisted living client:

1.16 (1) engages in conduct that significantly alters the terms of the service plan with the  
1.17 arranged home care provider and does not cure the alteration within 30 days of receiving  
1.18 written notice of the conduct; or

1.19 (2) breaches the services agreement, which includes failure to pay for services, and has  
1.20 not cured the breach within 30 days of receiving written notice of the nonpayment.

1.21 (b) Notwithstanding paragraph (a), the arranged home care provider may terminate  
1.22 services with ten days' notice if the assisted living client:

1.23 (1) creates, and the arranged home care provider can document, an abusive or unsafe  
1.24 work environment for the individual providing home care services; or

2.1 (2) has service needs that exceed the current service plan and cannot be safely met by  
 2.2 the arranged home care provider and a doctor or treating physician documents that an  
 2.3 emergency or a significant change in the assisted living client's condition has occurred.

2.4 Subd. 4. Contents of service termination notice. If an arranged home care provider,  
 2.5 ~~as defined in section 144D.01, subdivision 2a, who is not also Medicare certified~~ terminates  
 2.6 a service agreement or service plan with an assisted living client, ~~as defined in section~~  
 2.7 ~~144G.01, subdivision 3,~~ the arranged home care provider shall provide the assisted living  
 2.8 client and the legal or designated representatives of the client, if any, with a an advance  
 2.9 written notice of service termination as provided under subdivision 3, which includes must  
 2.10 include the following information:

2.11 (1) the effective date of service termination;

2.12 (2) the reason for service termination;

2.13 (3) without extending the termination notice period, an affirmative offer to meet with  
 2.14 the assisted living client or ~~client representatives~~ client's representative within no more than  
 2.15 five business days of the date of the service termination notice to discuss the termination;

2.16 (4) contact information for a reasonable number of other home care providers in the  
 2.17 geographic area of the assisted living client, as required by section 144A.4791, subdivision  
 2.18 10;

2.19 (5) a statement that the arranged home care provider will participate in a coordinated  
 2.20 transfer of the care of the client to another provider or caregiver, as required by section  
 2.21 144A.44, subdivision 1, clause (18);

2.22 (6) a statement that the assisted living client has the right to a meeting at the client's  
 2.23 request with a representative of the arranged home care provider to discuss and attempt to  
 2.24 avoid the service termination;

2.25 (7) the name and contact information of a representative of the arranged home care  
 2.26 provider with whom the assisted living client may discuss the notice of service termination;

2.27 ~~(7)~~ (8) a copy of the home care bill of rights; ~~and~~

2.28 ~~(8)~~ (9) a statement that the notice of service termination of home care services by the  
 2.29 arranged home care provider does not constitute notice of termination of the ~~housing with~~  
 2.30 ~~services contract with a housing with services establishment.~~ lease; and

3.1 (10) a statement that the assisted living client has the right to appeal the service  
3.2 termination to the Office of Administrative Hearings and that includes the contact information  
3.3 for the Office of Administrative Hearings.

3.4 Subd. 5. **Right to appeal service termination.** (a) At any time prior to the expiration  
3.5 of the notice period provided under subdivision 3 and section 144A.441, an assisted living  
3.6 client may appeal the service termination by making a written request for a hearing to the  
3.7 Office of Administrative Hearings. The Office of Administrative Hearings must conduct  
3.8 the hearing no later than 14 days after the office receives the appeal request from the assisted  
3.9 living client. The hearing must be held in the housing with services establishment where  
3.10 the client resides, unless it is impractical or the parties agree to a different place.

3.11 (b) The arranged home care provider may not discontinue services to an assisted living  
3.12 client who makes a timely appeal of a notice of service termination unless the Office of  
3.13 Administrative Hearings has made a final determination on the appeal in favor of the arranged  
3.14 home care provider.

3.15 (c) Assisted living clients are not required to request a meeting as available under  
3.16 subdivision 4, clause (6), prior to submitting an appeal hearing request.

3.17 (d) The commissioner of health may order the arranged home care provider to rescind  
3.18 the service contract termination if the proposed termination is in violation of state or federal  
3.19 law.

3.20 (e) Nothing in this section limits the right of an assisted living client or the client's  
3.21 representative to request or receive assistance from the Office of Ombudsman for Long-Term  
3.22 Care or a protection and advocacy agency concerning the proposed service termination.

3.23 Subd. 6. **Discontinuation of services.** An arranged home care provider's responsibilities  
3.24 when voluntarily discontinuing services to all clients are governed by section 144A.4791,  
3.25 subdivision 10."

3.26 Page 10, after line 32, insert:

3.27 "Sec. .... Minnesota Statutes 2016, section 144D.09, is amended to read:

3.28 **144D.09 TERMINATION OF LEASE.**

3.29 Subdivision 1. **Legislative intent.** ~~The housing with services establishment shall include~~  
3.30 ~~with notice of termination of lease information about how to contact the ombudsman for~~  
3.31 ~~long-term care, including the address and telephone number along with a statement of how~~  
3.32 ~~to request problem-solving assistance. It is the intent of the legislature to ensure to the~~

4.1 greatest extent possible stability of housing for persons residing in housing with services  
4.2 establishments.

4.3 Subd. 2. **Permissible reasons to terminate lease.** (a) Notwithstanding chapter 504B, a  
4.4 housing with services establishment may terminate a resident's lease only if:

4.5 (1) the resident breaches the lease, which includes failure to pay rent as required, and  
4.6 has not cured the breach within 30 days of receipt of the notice required under subdivision  
4.7 3. A breach of a services contract does not constitute a breach of a lease;

4.8 (2) the resident holds over beyond the date to vacate mutually agreed upon in writing  
4.9 by the resident and the housing with services establishment; or

4.10 (3) the resident holds over beyond the date provided by the resident in a notice of  
4.11 voluntary termination of the lease provided to the housing with services establishment.

4.12 (b) Notwithstanding paragraph (a), a housing with services establishment may  
4.13 immediately commence an eviction if the breach involves any of the acts listed in section  
4.14 504B.171, subdivision 1.

4.15 Subd. 3. **Notice of lease termination.** A housing with services establishment must  
4.16 provide at least 30 days' notice prior to terminating a residential lease, unless the resident  
4.17 commits a breach of the lease involving any of the acts listed in section 504B.171, subdivision  
4.18 1.

4.19 Subd. 4. **Contents of notice.** The notice of lease termination required under subdivision  
4.20 3 must include:

4.21 (1) the reason for the termination;

4.22 (2) the date termination shall occur;

4.23 (3) a statement that a lease cannot be terminated without providing the resident an  
4.24 opportunity to cure the breach of lease, including failure to pay rent, prior to expiration of  
4.25 30 days after receipt of the notice;

4.26 (4) information on how to contact the Office of Ombudsman for Long-Term Care and  
4.27 a protection and advocacy agency, including the address and telephone number of both  
4.28 offices, along with a statement of how to request problem-solving assistance;

4.29 (5) a statement that the resident has the right to a meeting at the resident's request with  
4.30 the owner or manager of the housing with services establishment to discuss and attempt to  
4.31 resolve the alleged breach to avoid termination; and

5.1 (6) a statement that the resident has the right to appeal the termination of the lease to  
5.2 the Office of Administrative Hearings and provide the contact information for the Office  
5.3 of Administrative Hearings.

5.4 Subd. 5. **Right to appeal termination of lease.** (a) At any time prior to the expiration  
5.5 of the notice period provided under subdivision 3, a resident may appeal the termination by  
5.6 making a written request for a hearing to the Office of Administrative Hearings. The Office  
5.7 of Administrative Hearings must conduct the hearing no later than 14 days after the office  
5.8 receives the appeal request from the resident. The hearing must be held in the establishment  
5.9 in which the resident resides, unless it is impractical or the parties agree to a different place.

5.10 (b) A resident who makes a timely appeal of a notice of lease termination may not be  
5.11 evicted by the housing with services establishment unless the Office of Administrative  
5.12 Hearings has made a final determination on the appeal in favor of the housing with services  
5.13 establishment.

5.14 (c) The commissioner of health may order the housing with services establishment to  
5.15 rescind the lease termination or readmit the resident if the lease termination was in violation  
5.16 of state or federal law.

5.17 (d) The housing with services establishment must readmit the resident if the resident is  
5.18 hospitalized for medical necessity before resolution of the appeal.

5.19 (e) Residents are not required to request a meeting under subdivision 4, clause (5), prior  
5.20 to submitting an appeal hearing request.

5.21 (f) Nothing in this section limits the right of a resident or the resident's representative  
5.22 to request or receive assistance from the Office of Ombudsman for Long-Term Care or the  
5.23 protection and advocacy agency concerning the proposed lease termination.

5.24 Subd. 6. **Discharge plan and transfer of information to new residence.** (a) For the  
5.25 purposes of this subdivision and subdivision 7, "discharge" means the involuntary relocation  
5.26 of a resident due to a termination of a lease.

5.27 (b) A housing with services establishment discharging a resident must prepare an adequate  
5.28 discharge plan that proposes a safe discharge location; is based on the resident's discharge  
5.29 goals; includes the resident and the resident's case manager and representative, if any, in  
5.30 discharge planning; and contains a plan for appropriate and sufficient postdischarge care.  
5.31 A housing with services establishment shall not discharge a resident if the resident will  
5.32 become homeless upon discharge, as that term is defined in section 116L.361, subdivision  
5.33 5.

6.1 (c) A housing with services establishment that proposes to discharge a resident must  
6.2 assist the resident with applying for and locating a new housing with services establishment  
6.3 or nursing home in which to live, including coordinating with the case manager, if any.

6.4 (d) Prior to discharge, a housing with services establishment must provide to the receiving  
6.5 facility or establishment all information known to the housing with services establishment  
6.6 related to the resident that is necessary to ensure continuity of care and services, including,  
6.7 at a minimum:

6.8 (1) the resident's full name, date of birth, and insurance information;

6.9 (2) the name, telephone number, and address of the resident's representative, if any;

6.10 (3) the resident's current documented diagnoses;

6.11 (4) the resident's known allergies, if any;

6.12 (5) the name and telephone number of the resident's physician and current physician  
6.13 orders;

6.14 (6) medication administration records;

6.15 (7) the most recent resident assessment; and

6.16 (8) copies of health care directives, "do not resuscitate" orders, and guardianship orders  
6.17 or powers of attorney, if any.

6.18 Subd. 7. **Final accounting; return of money and property.** Within 30 days after the  
6.19 date of discharge, the housing with services establishment shall:

6.20 (1) provide to the resident or the resident's representative a final statement of account;

6.21 (2) provide any refunds due; and

6.22 (3) return any money, property, or valuables held in trust or custody by the establishment.

6.23 Sec. .... **[144D.095] TERMINATION OF SERVICES.**

6.24 A termination of services initiated by an arranged home care provider is governed by  
6.25 section 144A.442.

6.26 Sec. .... **[144G.07] TERMINATION OF LEASE.**

6.27 A lease termination initiated by a registered housing with services establishment using  
6.28 "assisted living" is governed by section 144D.09.

7.1 Sec. .... **[144G.08] TERMINATION OF SERVICES.**

7.2 A termination of services initiated by an arranged home care provider as defined in  
7.3 section 144D.01, subdivision 2a, is governed by section 144A.442."

7.4 Renumber the sections in sequence and correct the internal references

7.5 Amend the title accordingly