



Office of
Ombudsman for
Long-Term Care



March 20, 2025

To: Chair Noor and Members of the Human Services Finance & Policy Committee

From: Alzheimer's Association, MN/ND Chapter, AARP Minnesota, Mid-MN Legal Aid, Minnesota Elder Justice Center, Office of Ombudsman for Long-Term Care, Office of Ombudsman for Mental Health and Developmental Disabilities

Re: Support for Representative Moller's bill HF 2216

Chair Noor and Members of the Committee:

Our organizations are writing in support of Representative Moller's bill (**HF 2216**) which provides some protection to residents in assisted living facilities from arbitrary fee increases, facility requirements for guardianship prior to admission, and contract termination proceedings based on a resident needing a public program such as Elderly Waiver.

This bill addresses many concerns advocates hear from residents in assisted living facilities:

- Residents report service fees and rent increasing multiple times a year while service provision declines in quality and frequency. Residents and families frequently ask where the money goes.
- Residents report being assured an assisted living facility accepts Elderly Waiver or another waiver for payment, but then spend their entire life savings at a facility only to learn that the limited number of "Elderly Waiver beds" at the facility are full.
- Residents report being charged fees that frequently are not included in the initial assisted living contract, including fees for paying by check, fees for using a resident's pharmacy of choice, hospice coordination fees, activities fees, community fees, and others that are not explained to residents upon admission and are non-refundable.
- Residents report moving into the assisted living facility of their choice and signing a contract only to have a new owner or new management company step in and completely change fee structures, acceptance of waiver programs, and the level of care provided to residents.
- Residents report waiting in the hospital for guardianship proceedings often initiated so the facility can have a 'guaranteed' source of payment.

We recognize providers need to remain financially viable by reasonable rent and service fee increases, however, we do not think that residents in assisted living facilities and their families, most of whom pay privately for services and rent, should be subjected to unfair, overly frequent, and unexplained cost increases. Similarly, any fees charged by an assisted living facility should be clearly defined prior to admission and provide demonstrable value for the resident. These fees contribute to the rapidly increasing rate at which residents spend their life savings and need Elderly Waiver or another waiver, funded by taxpayer dollars, to pay for services. Residents frequently find that the assisted living facility that said they could care for the resident once they ran out of savings will not live up to this promise. Instead, facilities arbitrarily limit the number of residents who need Elderly Waiver to pay for services that they will serve. This leaves residents with limited options and the negative outcomes of suddenly moving to a new facility.

Furthermore, changes in ownership have significant impacts on residents. The entire assisted living contract they had previously agreed to is suddenly ended, without resident input, and a new contract is presented to the resident and their family. If a resident isn't comfortable with this new contract or can no longer receive the same services they were receiving just the day before, their only option is to move. Vulnerable adults deserve some protection from these changes.

We support this bill as we believe it will address the concerns of many residents who watch their life savings go to a care facility but don't receive the services they are paying for.

Thank you in advance for your support of this important legislation.

AARP Minnesota

Alzheimer's Association, MN/ND Chapter

Mid-MN Legal Aid

Minnesota Elder Justice Center

Office of Ombudsman for Long-Term Care

Office of Ombudsman for Mental Health and Developmental Disabilities



March 17, 2025

The Honorable Mohamud Noor
Chair, Human Services Finance and Policy Committee
Minnesota House of Representatives
5th Floor, Centennial Office Building
St. Paul, MN 55155

The Honorable Joe Schomacker
Chair, Human Services Finance and Policy Committee
Minnesota House of Representatives
2nd Floor, Centennial Office Building
St. Paul, MN 55155

Re: Legal Aid/Minnesota Disability Law Center Support for HF 2216

Dear Chair Noor, Chair Schomacker, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center (MDLC) thank you for the opportunity to provide written testimony and support for HF 2216. We support the entirety of this bill, which contains numerous protections and additional rights that will improve the wellbeing of individuals who choose to reside in assisted living and other facilities.

We appreciate the prohibition of a guardian or conservator as an admission criterion to a nursing home, assisted living, or group home. Many people with disabilities are capable of managing their own affairs, and requiring them to have a guardian as a condition of admission is restrictive and unnecessary.

The numerous financial protections in the bill will help strengthen the rights of individuals in assisted living facilities. The provision in lines 2.13-2.25 ensures that the contracts that residents sign will not change due to a change in facility ownership. The provision in lines 2.28-3.29 rightfully requires facilities to justify the amount they wish to charge for housing and services. The prohibition on mandatory arbitration in lines 4.8-4.21 will increase the legal rights of residents, and the protections in lines 4.24-5.20 will ensure that residents are not discharged because they choose to pay for their services with public rather than private funds. All of these provisions will improve the wellbeing of assisted living residents.

Thank you for the opportunity to submit written testimony regarding HF 2216. We urge you to support this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Purrington", written in a cursive style.

Jennifer Purrington
Legal Director/Deputy Director
Minnesota Disability Law Center

A handwritten signature in black ink, appearing to read "Ellen Smart", written in a cursive style.

Ellen Smart
Staff Attorney
Legal Services Advocacy Project

This document has been formatted for accessibility. Please call Ellen Smart at 612/746-3761 if you need this document in an alternative format.