

1.1 moves to amend H.F. No. 90, the second division engrossment
1.2 (DIVH0090-2), as follows:

1.3 Page 17, line 15, delete "meetings" and insert "recordings"

1.4 Page 33, delete line 14

1.5 Page 33, line 15, delete everything after "Dementia" and insert "has the meaning given
1.6 in section 144I.01, subdivision 16."

1.7 Page 33, delete lines 16 to 25

1.8 Renumber the subdivisions in sequence

1.9 Page 33, line 27, delete "service" and insert "services"

1.10 Page 34, line 2, after "that" insert "for a fee, provides sleeping accommodations to one
1.11 or more adults and offers or provides one or more supportive services directly or through
1.12 a related supportive services provider. For purposes of this chapter, independent senior
1.13 living facility does not include"

1.14 Page 34, delete lines 3 to 5 and insert:

1.15 "(1) emergency shelter, transitional housing, or any other residential units serving
1.16 exclusively or primarily homeless individuals, as defined under section 116L.361;

1.17 (2) a nursing home licensed under chapter 144A;

1.18 (3) a hospital, certified boarding care home, or supervised living facility licensed under
1.19 sections 144.50 to 144.56;

1.20 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
1.21 9520.0500 to 9520.0670, or under chapter 245D or 245G;

1.22 (5) a lodging establishment serving as a shelter for individuals fleeing domestic violence;

2.1 (6) services and residential settings licensed under chapter 245A, including adult foster
2.2 care and services and settings governed under the standards in chapter 245D;

2.3 (7) private homes where the residents own or rent the home and control all aspects of
2.4 the property and building;

2.5 (8) a duly organized condominium, cooperative, and common interest community, or
2.6 owners' association of the condominium, cooperative, and common interest community
2.7 where at least 80 percent of the units that comprise the condominium, cooperative, or
2.8 common interest community are occupied by individuals who are the owners, members, or
2.9 shareholders of the units;

2.10 (9) temporary family health care dwellings as defined in sections 394.307 and 462.3593;

2.11 (10) settings offering services conducted by and for the adherents of any recognized
2.12 church or religious denomination for its members through spiritual means or by prayer for
2.13 healing;

2.14 (11) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
2.15 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
2.16 units financed by the Minnesota Housing Finance Agency that are intended to serve
2.17 individuals with disabilities or individuals who are homeless;

2.18 (12) rental housing developed under United States Code, title 42, section 1437, or United
2.19 States Code, title 12, section 1701q;

2.20 (13) rental housing designated for occupancy by only elderly or elderly and disabled
2.21 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
2.22 families under Code of Federal Regulations, title 24, section 983.56;

2.23 (14) rental housing funded under United States Code, title 42, chapter 89, or United
2.24 States Code, title 42, section 8011; or

2.25 (15) an assisted living facility or assisted living facility with dementia care licensed
2.26 under chapter 144I."

2.27 Page 34, line 20, after the semicolon insert "or"

2.28 Page 34, line 21, delete "; or" and insert a period

2.29 Page 34, delete line 22

2.30 Page 34, line 26, delete everything after "to"

3.1 Page 34, delete line 27 and insert "by any means, check on the health, safety, and
3.2 well-being of a resident."

3.3 Page 34, delete section 2 and insert:

3.4 "Sec. **[144K.02] DECEPTIVE MARKETING AND BUSINESS PRACTICES**
3.5 **PROHIBITED.**

3.6 (a) No employee or agent of any independent senior living facility may make any false,
3.7 fraudulent, deceptive, or misleading statements or representations or material omissions in
3.8 marketing, advertising, or any other description or representation of care or services.

3.9 (b) No residency and services contract required under section 144K.03, subdivision 1,
3.10 may include any provision that the facility knows or should know to be deceptive, unlawful,
3.11 or unenforceable under state or federal law.

3.12 (c) No facility may advertise or represent that the facility is an assisted living facility as
3.13 defined in section 144I.01, subdivision 6, or an assisted living facility with dementia care
3.14 as defined in section 144I.01, subdivision 8.

3.15 Sec. **[144K.025] REQUIRED DISCLOSURE BY FACILITY.**

3.16 An independent senior living facility must disclose to prospective residents and residents
3.17 that the facility is not licensed as an assisted living facility and is not permitted to provide
3.18 assisted living services, as defined in section 144I.01, subdivision 7, either directly or through
3.19 a provider under a business relationship or other affiliation with the facility."

3.20 Page 36, delete lines 4 and 5

3.21 Renumber the clauses in sequence

3.22 Page 37, line 8, delete everything after the period

3.23 Page 37, delete line 9

3.24 Page 37, after line 14, insert:

3.25 "Subd. 8. **Contract restriction.** No independent senior living facility may offer wellness
3.26 check services."

3.27 Page 39, line 26, delete everything after the period

3.28 Page 39, delete lines 27 and 28

3.29 Page 39, after line 29, insert:

4.1 "Sec. [144K.09] ENFORCEMENT.

4.2 (a) A violation of this chapter constitutes a violation of section 325F.69, subdivision 1.
 4.3 The attorney general may enforce this section using the remedies in section 325F.70.

4.4 (b) A resident who meets the criteria in section 325F.71, subdivision 1, has a cause of
 4.5 action under section 325F.71, subdivision 4, for a violation of this chapter.

4.6 **EFFECTIVE DATE.** This section is effective August 1, 2021."

4.7 Page 42, delete line 9

4.8 Page 45, line 1, delete everything after "to"

4.9 Page 45, delete lines 2 and 3 and insert ", by any means, check on the health, safety, and
 4.10 well-being of a resident; and"

4.11 Page 49, line 5, delete "client's" and insert "resident's"

4.12 Page 49, line 7, delete "client" and insert "resident"

4.13 Page 64, line 29, delete everything after "for"

4.14 Page 64, line 30, delete "Center, the common entry point, and"

4.15 Page 74, line 24, delete everything after the first "you" and insert "want to report
 4.16 suspected maltreatment of a vulnerable adult, you may"

4.17 Page 74, line 25, delete ", or" and insert ". If you have a complaint about the facility or
 4.18 person providing your services,"

4.19 Page 90, line 15, before the semicolon insert ", including information on the Minnesota
 4.20 Adult Abuse Reporting Center"

4.21 Page 90, line 22, delete "the Minnesota Adult Abuse Reporting Center and"

4.22 Page 90, line 25, delete "Minnesota Adult"

4.23 Page 90, line 26, delete "Abuse Reporting Center (MAARC),"

4.24 Page 105, line 4, delete "the toll-free complaint line for the MAARC," and insert "contact
 4.25 information for"

4.26 Page 105, line 24, delete "and"

4.27 Page 105, line 26, delete the period and insert "; and"

4.28 Page 105, after the line 26 insert:

4.29 "(7) the toll-free phone number for the Minnesota Adult Abuse Reporting Center."

- 5.1 Page 105, line 30, delete everything after "requirements"
- 5.2 Page 105, line 31, delete everything before the period
- 5.3 Page 112, line 2, delete everything after "violation"
- 5.4 Page 112, line 3, delete everything before the semicolon
- 5.5 Page 112, line 5, delete everything after "violation"
- 5.6 Page 112, line 6, delete "144I.33"
- 5.7 Page 112, line 7, delete everything after "resident"
- 5.8 Page 112, line 8, delete everything before the semicolon
- 5.9 Page 113, line 31, delete "subdivision" and insert "section"
- 5.10 Page 124, line 4, after "Definition" insert "; granting variances" and before "For" insert
- 5.11 "(a)"
- 5.12 Page 124, line 5, before "An" insert "(b)"
- 5.13 Page 132, delete article 7
- 5.14 Page 136, delete section 5 and insert:
- 5.15 "Sec. [144A.291] FEES.
- 5.16 Subdivision 1. **Payment types and nonrefundability.** The fees imposed in this section
- 5.17 shall be paid by cash, personal check, bank draft, cashier's check, or money order made
- 5.18 payable to the Board of Executives for Long Term Services and Supports. All fees are
- 5.19 nonrefundable.
- 5.20 Subd. 2. **Amount.** The amount of fees may be set by the board with the approval of
- 5.21 Minnesota Management and Budget up to the limits provided in this section depending
- 5.22 upon the total amount required to sustain board operations under section 16A.1285,
- 5.23 subdivision 2. Information about fees in effect at any time is available from the board office.
- 5.24 The maximum amounts of fees are:
- 5.25 (1) application for licensure, \$150;
- 5.26 (2) for a prospective applicant for a review of education and experience advisory to the
- 5.27 license application, \$50, to be applied to the fee for application for licensure if the latter is
- 5.28 submitted within one year of the request for review of education and experience;
- 5.29 (3) state examination, \$75;

- 6.1 (4) licensed nursing home administrator initial license, \$200 if issued between July 1
6.2 and December 31, \$100 if issued between January 1 and June 30;
- 6.3 (5) acting administrator permit, \$250;
- 6.4 (6) renewal license, \$200;
- 6.5 (7) duplicate license, \$10;
- 6.6 (8) fee to a sponsor for review of individual continuing education seminars, institutes,
6.7 workshops, or home study courses:
- 6.8 (i) for less than seven clock hours, \$30; and
- 6.9 (ii) for seven or more clock hours, \$50;
- 6.10 (9) fee to a licensee for review of continuing education seminars, institutes, workshops,
6.11 or home study courses not previously approved for a sponsor and submitted with an
6.12 application for license renewal:
- 6.13 (i) for less than seven clock hours total, \$30; and
- 6.14 (ii) for seven or more clock hours total, \$50;
- 6.15 (10) late renewal fee, \$50;
- 6.16 (11) fee to a licensee for verification of licensure status and examination scores, \$30;
- 6.17 (12) registration as a registered continuing education sponsor, \$1,000; and
- 6.18 (13) health services executive initial license, \$200 if issued between July 1 and December
6.19 31, \$100 if issued between January 1 and June 30."
- 6.20 Page 138, delete lines 18 and 26
- 6.21 Page 139, delete line 7
- 6.22 Page 140, delete line 9
- 6.23 Page 142, delete line 30
- 6.24 Page 143, delete section 6
- 6.25 Page 144, delete line 8
- 6.26 Page 149, delete line 12
- 6.27 Page 152, delete line 30
- 6.28 Page 153, line 10, delete the new language and reinstate the stricken language

- 7.1 Page 153, line 22, delete everything after "commissioner"
- 7.2 Page 153, line 23, delete "county managers and ombudsman for long-term care"
- 7.3 Page 153, line 24, after the period insert "Lead agencies, county adult protection and
- 7.4 county managers, and the Office of Ombudsman for Long-Term Care may also provide this
- 7.5 information."
- 7.6 Page 153, delete line 29
- 7.7 Page 154, delete line 31
- 7.8 Page 155, delete line 18
- 7.9 Page 155, line 25, after "care" insert "services"
- 7.10 Page 156, line 3, delete the first "a" and insert "one"
- 7.11 Page 157, delete lines 11 and 17
- 7.12 Page 159, delete line 1
- 7.13 Page 159, delete section 19 and insert:
- 7.14 "Sec. Minnesota Statutes 2018, section 325F.72, subdivision 1, is amended to read:
- 7.15 Subdivision 1. **Persons to whom disclosure is required.** ~~Housing with services~~
- 7.16 ~~establishments, as defined in sections 144D.01 to 144D.07, that secure, segregate, or provide~~
- 7.17 ~~a special program or special unit for residents with a diagnosis of probable Alzheimer's~~
- 7.18 ~~disease or a related disorder or that advertise, market, or otherwise promote the establishment~~
- 7.19 ~~as providing specialized care for Alzheimer's disease or a related disorder are considered a~~
- 7.20 ~~"special care unit."~~ All special care units assisted living facilities with dementia care, as
- 7.21 defined in section 144I.01, shall provide a written disclosure to the following:
- 7.22 (1) the commissioner of health, if requested;
- 7.23 (2) the Office of Ombudsman for Long-Term Care; and
- 7.24 (3) each person seeking placement within a residence, or the person's authorized
- 7.25 representative, before an agreement to provide the care is entered into.
- 7.26 Sec. Minnesota Statutes 2018, section 325F.72, subdivision 2, is amended to read:
- 7.27 Subd. 2. **Content.** Written disclosure shall include, but is not limited to, the following:
- 7.28 (1) a statement of the overall philosophy and how it reflects the special needs of residents
- 7.29 with Alzheimer's disease or other dementias;

8.1 (2) the criteria for determining who may reside in the ~~special~~ dementia care unit;

8.2 (3) the process used for assessment and establishment of the service plan or agreement,
8.3 including how the plan is responsive to changes in the resident's condition;

8.4 (4) staffing credentials, job descriptions, and staff duties and availability, including any
8.5 training specific to dementia;

8.6 (5) physical environment as well as design and security features that specifically address
8.7 the needs of residents with Alzheimer's disease or other dementias;

8.8 (6) frequency and type of programs and activities for residents ~~of the special care unit~~;

8.9 (7) involvement of families in resident care and availability of family support programs;

8.10 (8) fee schedules for additional services to the residents ~~of the special care unit~~; and

8.11 (9) a statement that residents will be given a written notice 30 calendar days prior to
8.12 changes in the fee schedule."

8.13 Page 160, delete line 21

8.14 Page 160, after line 25, insert:

8.15 **"ARTICLE 10**

8.16 **APPROPRIATIONS**

8.17 Section 1. **HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

8.18 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
8.19 and for the purposes specified in this article. The appropriations are from the general fund,
8.20 or another named fund, and are available for the fiscal years indicated for each purpose.

8.21 The figures "2020" and "2021" used in this article mean that the appropriations listed under
8.22 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.

8.23 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"
8.24 is fiscal years 2020 and 2021.

8.25 **APPROPRIATIONS**

8.26 **Available for the Year**

8.27 **Ending June 30**

8.28 **2020**

2021

8.29 **Sec. 2. COMMISSIONER OF HUMAN**
8.30 **SERVICES**

9.1	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 7,793,000</u>	<u>\$ 4,088,000</u>
9.2	<u>The amounts that may be spent for each</u>		
9.3	<u>purpose are specified in the following</u>		
9.4	<u>subdivisions.</u>		
9.5	<u>Subd. 2. Central Office; Operations</u>	<u>2,654,000</u>	<u>740,000</u>
9.6	<u>Base Level Adjustment.</u> <u>The general fund</u>		
9.7	<u>base for this appropriation is \$711,000 in fiscal</u>		
9.8	<u>year 2022 and \$711,000 in fiscal year 2023.</u>		
9.9	<u>Subd. 3. Central Office; Continuing Care for</u>		
9.10	<u>Older Adults</u>	<u>5,139,000</u>	<u>2,848,000</u>
9.11	<u>(a) Assisted Living Survey.</u> <u>Beginning in</u>		
9.12	<u>fiscal year 2020, \$2,500,000 in the even</u>		
9.13	<u>numbered year of each biennium is to fund a</u>		
9.14	<u>resident experience survey and family survey</u>		
9.15	<u>for all housing with services sites. This</u>		
9.16	<u>paragraph does not expire.</u>		
9.17	<u>(b) Information and Assistance Grant</u>		
9.18	<u>Transfer.</u> <u>\$1,000,000 in fiscal year 2020 and</u>		
9.19	<u>\$1,000,000 in fiscal year 2021 are transferred</u>		
9.20	<u>to the continuing care for older adults</u>		
9.21	<u>administration from the aging and adult</u>		
9.22	<u>services grants for developing the Home and</u>		
9.23	<u>Community-Based Report Card for assisted</u>		
9.24	<u>living. This transfer is ongoing.</u>		
9.25	<u>(c) Base Level Adjustment.</u> <u>The general fund</u>		
9.26	<u>base for this appropriation is \$5,323,000 in</u>		
9.27	<u>fiscal year 2022 and \$2,823,000 in fiscal year</u>		
9.28	<u>2023.</u>		
9.29	<u>Subd. 4. Grant Programs; Children and</u>		
9.30	<u>Community Service Grants</u>	<u>1,000,000</u>	<u>1,500,000</u>
9.31	<u>(a) Adult Protection Grants.</u> <u>\$1,000,000 in</u>		
9.32	<u>fiscal year 2020 and \$1,500,000 in fiscal year</u>		
9.33	<u>2021 are for grant funding for adult abuse</u>		
9.34	<u>maltreatment investigations and adult</u>		

10.1 protective services to counties and tribes as
 10.2 allocated and specified under Minnesota
 10.3 Statutes, section 256M.42.

10.4 **(b) Base Level Adjustment.** The general fund
 10.5 base for this appropriation is \$2,050,000 in
 10.6 fiscal year 2022 and \$2,655,000 in fiscal year
 10.7 2023.

10.8 **Subd. 5. Grant Programs; Aging and Adult**
 10.9 **Services Grants** (1,000,000) (1,000,000)

10.10 **Base Level Adjustment.** The general fund
 10.11 base for this appropriation is reduced by
 10.12 \$1,000,000 in fiscal year 2022 and \$1,000,000
 10.13 in fiscal year 2023.

10.14 **Sec. 3. COMMISSIONER OF HEALTH**

10.15 **Subdivision 1. Total Appropriation** \$ **10,973,000** \$ **13,519,000**

10.16	<u>Appropriations by Fund</u>		
10.17		<u>2020</u>	<u>2021</u>
10.18	<u>General</u>	<u>9,870,000</u>	<u>12,416,000</u>
10.19	<u>State Government</u>		
10.20	<u>Special Revenue</u>	<u>1,103,000</u>	<u>1,103,000</u>

10.21 The amounts that may be spent for each
 10.22 purpose are specified in the following
 10.23 subdivision.

10.24 **Subd. 2. Health Protection**

10.25	<u>Appropriations by Fund</u>		
10.26	<u>General</u>	<u>9,870,000</u>	<u>12,416,000</u>
10.27	<u>State Government</u>		
10.28	<u>Special Revenue</u>	<u>1,103,000</u>	<u>1,103,000</u>

10.29 **(a) Vulnerable Adults Program**
 10.30 **Improvements.** \$7,438,000 in fiscal year 2020
 10.31 and \$4,302,000 in fiscal year 2021 are from
 10.32 the general fund for the commissioner to
 10.33 continue necessary current operations
 10.34 improvements to the regulatory activities,

11.1 systems, analysis, reporting, and
11.2 communications that contribute to the health,
11.3 safety, care quality, and abuse prevention for
11.4 vulnerable adults in Minnesota. \$1,103,000 in
11.5 fiscal year 2020 and \$1,103,000 in fiscal year
11.6 2021 are from the state government special
11.7 revenue fund to improve the frequency of
11.8 home care provider inspections. The state
11.9 government special revenue appropriations
11.10 under this paragraph are onetime
11.11 appropriations.

11.12 **(b) Vulnerable Adults Regulatory Reform.**
11.13 \$2,432,000 in fiscal year 2020 and \$8,114,000
11.14 in fiscal year 2021 are from the general fund
11.15 for the commissioner to establish the assisted
11.16 living licensure under Minnesota Statutes,
11.17 section 144I.01. This is a onetime
11.18 appropriation. The commissioner shall transfer
11.19 fine revenue previously deposited to the state
11.20 government special revenue fund under
11.21 Minnesota Statutes, section 144A.474,
11.22 subdivision 11, which is estimated to be
11.23 \$632,000, to a dedicated account in the state
11.24 treasury.

11.25 **(c) Base Level Adjustment.** The general fund
11.26 base for this appropriation is \$5,800,000 in
11.27 fiscal year 2022 and \$5,369,000 in fiscal year
11.28 2023. The state government special revenue
11.29 fund base for this appropriation is \$13,458,000
11.30 in fiscal year 2022 and \$13,458,000 in fiscal
11.31 year 2023.

- 12.1 Sec. 4. **APPROPRIATIONS OR TRANSFERS ENACTED MORE THAN ONCE;**
- 12.2 **EFFECT.**
- 12.3 If an appropriation or transfer in this act is enacted more than once in the 2019 legislative
- 12.4 session, the appropriation or transfer must be given effect only once."
- 12.5 Renumber the sections in sequence and correct the internal references
- 12.6 Amend the title accordingly