



Overview of Assisted Living Licensed Facilities (144G)

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Definition of Assisted Living Facility

- An "assisted living facility" is a facility that provides sleeping accommodations and assisted living services to one or more adults (18 and older).
- Assisted living services include:
 - Assistance with activities of daily living (e.g., bathing, dressing, grooming, toileting, feeding, transfers)
 - Nursing tasks (e.g., blood pressure or blood glucose checks)
 - Medication management services, treatments and therapies
 - Preparation of specialized diets and assistance to residents with complicated eating problems
- May include a secured dementia care unit
 - Licensed as an assisted living facility with dementia care

Assisted Living Licensure Effective August 1, 2021

On August 1, 2021, Minnesota Assisted Living Licensure became effective enabling MDH to license, survey, investigate, and enforce under the Minnesota Statute 144G requirements.

- Previously, assisted living was not a license type, it was a “Housing with Services” designation



Key Reforms with Assisted Living Licensure Laws

- ✓ **Established a Single License for Assisted Living Facilities**
Streamlined regulatory structure by creating a unified license type.
- ✓ **Increased Licensee Responsibilities and Accountability**
Heightened oversight and defined clearer responsibilities for facility operators.
- ✓ **Implemented Physical Plant & Fire Safety Requirements**
Strengthened facility infrastructure and emergency preparedness standards.
- ✓ **Required Licensing for Assisted Living Directors**
Introduced qualifications and accountability measures for leadership roles
- ✓ **Changed Survey Frequency from Every 3 Years to Every 2 Years**
Improved regulatory oversight with more frequent inspections.
- ✓ **Enhanced the Resident Bill of Rights**
Expanded protections and ensured clearer articulation of resident rights.
- ✓ **Expanded Consumer Protections**
Added safeguards to ensure resident well-being and informed decision-making.

Increase in Assisted Living Licenses

- MDH initially anticipated 1,300-1,500 home care licensees would convert to assisted living licensure
- However, nearly 2,000 home care licensees converted to assisted living licensure, with a total capacity of 58,975 residents

Year	Total
2021	2,053
2022	2,147
2023	2,244
2024	2,204
2025	2,328

2025 Capacity	Total Residents
5 or fewer residents	1,219
6 to 16	287
17+	822

Assisted Living Facility Licenses By County (Top 10)

Top 10 Counties (Most ALFs)	Total No. ALFs in County	% of Total ALFs in State (2,376)
Hennepin	984	41%
Ramsey	229	10%
Dakota	215	9%
Anoka	173	7%
Washington	90	4%
Saint Louis	50	2%
Scott	46	2%
Stearns	37	1.5%
Olmstead	30	1%
Sherburne	23	<1%

Assisted Living Survey Requirement

Minn. Stat. 144G.30, subs. 2 & 3

MDH must conduct a survey of each assisted living facility **at least once every two years.**

The survey process helps MDH determine whether an assisted living facility is in substantial compliance with 144G licensing requirements, which means the facility is **complying sufficiently to prevent unacceptable health and safety risks to residents.**

During the survey process, MDH inspects the facility and evaluates resident wellness and safety through:

- Reviewing staff training and resident records; conducting staff, resident, and family interviews; observations of resident cares like medication administration, bathing, feeding, infection control, pain management and activities of daily living.
- Evaluating fire safety and evacuation plans, egress windows for emergency exits, maintenance and repair of the facility, smoke alarms and fire extinguishers.
- Kitchen and food code inspections to prevent foodborne illnesses.

Credentialing Verifications

All new providers must go through the provisional license application process to operate as an assisted living facility.

MDH reviews applicant compliance history, DHS exclusion lists, and any irregularities when evaluating applications for licensure.

Other Verification items:

- ✓ IRS form SS-4
- ✓ Background studies
- ✓ Board of Executives for Long Term Services and Supports
- ✓ Workers Comp and Liability Insurance
- ✓ Board of Nursing

Also review and inspection of the proposed facility

Provisional Licensure

- If granted, a provisional license is effective for up to one year from the date the license is issued.
- Licensees must provide notice to MDH within two days of beginning to provide assisted living services to a resident.
- If the Provisional Licensee does not provide services during the provisional license year, the provisional license expires, and the licensee must apply for a new assisted living facility license to provide assisted living services.

Recent Legislative Changes

The 2023 Legislature directed MDH and DHS to consult with assisted living licensees who provide customized living and were smaller than 11 residents.

- **Purpose:** Identify regulatory requirements that are especially difficult for small providers and develop recommendations
- **Result:** Months of discussion led to 2024 legislative changes, which included allowing assisted living facilities to relocate while retaining the same license and providing greater flexibility in food service requirements for small assisted living facilities.

MDH's Role in Fraud Identification

MDH Identification of Fraud

MDH identifies possible fraud at state-licensed facilities by reviewing facility records, county service agreements, documents provided by vulnerable adult case management team, or through onsite survey and investigation activities.

Examples of activities MDH may identify and report as fraudulent activity:

- The facility receives payment for RN/LPN level cares, but onsite observations, interviews, and document reviews show the unlicensed personnel are implementing the cares.
- The facility receives payment for services the resident either does not need or is not receiving.

- MDH meets regularly with DHS to discuss assisted living regulation
- Referral procedures for reporting possible fraudulent activities, include reports to:
 - DHS Office of Inspector General (OIG) Program Integrity and Oversight Division
 - Medicaid Fraud Control Unit
 - Bureau of Criminal Apprehension (BCA) Financial Crime and Fraud Section
 - Office of Legislative Auditor (OLA)
 - DLI and MN Attorney General Wage Theft teams

Filing a Complaint with MDH

- **Minnesota Adult Abuse Reporting Center (MAARC)**
 - Maltreatment of a vulnerable adult, including physical or emotional abuse; neglect; and financial exploitation
 - Anyone can make a report at 844-880-1574 or [online](#)
 - Triaged by MDH
- **General licensing compliance concern**
 - Vulnerable adult or facility concerns, including reporting rights violations; issues with inadequate care; violations of licensing standards; issues related to discharge/termination of services
 - Email: health.ohfc-complaints@state.mn.us
 - Triaged by MDH

- **Licensed Facilities are listed on the Health Care Provider Directory:** <https://www.health.state.mn.us/facilities/regulation/directory/providerselect.html>
- **Assisted Living Licensure**
(<https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html>)
- **Resources and FAQs**
(<https://www.health.state.mn.us/facilities/regulation/assistedliving/faq.html>)
- **Assisted Living Licensure inbox:** health.assistedliving@state.mn.us



Questions