

1.1 A bill for an act  
1.2 relating to health; making changes to a nursing home provision and assisted living  
1.3 provisions; amending Minnesota Statutes 2020, sections 144.6512, by adding a  
1.4 subdivision; 144G.07, by adding a subdivision; 144G.08, subdivisions 7, 9, 23,  
1.5 59, by adding subdivisions; 144G.10, subdivision 1, by adding a subdivision;  
1.6 144G.41, subdivisions 1, 3; 144G.42, subdivision 9, by adding a subdivision;  
1.7 144G.45, subdivisions 2, 4, 5; 144G.50, subdivision 1; 144G.54, subdivision 4;  
1.8 144G.81, subdivision 3; 144G.92, subdivision 5; proposing coding for new law  
1.9 in Minnesota Statutes, chapter 144G; repealing Minnesota Statutes 2020, section  
1.10 144G.81, subdivision 2.

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. Minnesota Statutes 2020, section 144.6512, is amended by adding a subdivision  
1.13 to read:

1.14 Subd. 6. Other laws. Nothing in this section affects the rights and remedies available  
1.15 under section 626.557, subdivisions 10, 17, and 20.

1.16 EFFECTIVE DATE. This section is effective the day following final enactment.

1.17 Sec. 2. Minnesota Statutes 2020, section 144G.07, is amended by adding a subdivision to  
1.18 read:

1.19 Subd. 6. Other laws. Nothing in this section affects the rights and remedies available  
1.20 under section 626.557, subdivisions 10, 17, and 20.

1.21 EFFECTIVE DATE. This section is effective the day following final enactment.

2.1 Sec. 3. Minnesota Statutes 2020, section 144G.08, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 4a. Assisted living facility campus. An "assisted living facility campus" or  
2.4 "campus" means:

2.5 (1) a single building having two or more addresses, located on the same property with  
2.6 a single property identification number;

2.7 (2) two or more buildings, each with a separate address, located on the same property  
2.8 with a single property identification number; or

2.9 (3) two or more buildings at different addresses, located on properties that share a portion  
2.10 of a legal property boundary, with different property identification numbers.

2.11 Sec. 4. Minnesota Statutes 2020, section 144G.08, subdivision 7, is amended to read:

2.12 Subd. 7. **Assisted living facility.** "Assisted living facility" means a ~~licensed~~ facility that  
2.13 provides sleeping accommodations and assisted living services to one or more adults.  
2.14 Assisted living facility includes assisted living facility with dementia care, and does not  
2.15 include:

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

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

2.19 (3) a hospital, certified boarding care, or supervised living facility licensed under sections  
2.20 144.50 to 144.56;

2.21 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts  
2.22 9520.0500 to 9520.0670, or under chapter 245D or 245G;

2.23 (5) services and residential settings licensed under chapter 245A, including adult foster  
2.24 care and services and settings governed under the standards in chapter 245D;

2.25 (6) a private home in which the residents are related by kinship, law, or affinity with the  
2.26 provider of services;

2.27 (7) a duly organized condominium, cooperative, and common interest community, or  
2.28 owners' association of the condominium, cooperative, and common interest community  
2.29 where at least 80 percent of the units that comprise the condominium, cooperative, or  
2.30 common interest community are occupied by individuals who are the owners, members, or  
2.31 shareholders of the units;

3.1 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

3.2 (9) a setting offering services conducted by and for the adherents of any recognized  
3.3 church or religious denomination for its members exclusively through spiritual means or  
3.4 by prayer for healing;

3.5 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with  
3.6 low-income housing tax credits pursuant to United States Code, title 26, section 42, and  
3.7 units financed by the Minnesota Housing Finance Agency that are intended to serve  
3.8 individuals with disabilities or individuals who are homeless, except for those developments  
3.9 that market or hold themselves out as assisted living facilities and provide assisted living  
3.10 services;

3.11 (11) rental housing developed under United States Code, title 42, section 1437, or United  
3.12 States Code, title 12, section 1701q;

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

3.16 (13) rental housing funded under United States Code, title 42, chapter 89, or United  
3.17 States Code, title 42, section 8011; ~~or~~

3.18 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

3.19 (15) any establishment that exclusively or primarily serves as a shelter or temporary  
3.20 shelter for victims of domestic or any other form of violence.

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

3.22 Sec. 5. Minnesota Statutes 2020, section 144G.08, is amended by adding a subdivision to  
3.23 read:

3.24 **Subd. 7a. Assisted living facility license.** "Assisted living facility license" or "license"  
3.25 means a certificate issued by the commissioner under section 144G.10 that authorizes the  
3.26 licensee to manage, control, and operate an assisted living facility for a specified period of  
3.27 time and in accordance with the terms of the license and the rules of the commissioner.

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

3.29 Sec. 6. Minnesota Statutes 2020, section 144G.08, subdivision 9, is amended to read:

3.30 **Subd. 9. Assisted living services.** "Assisted living services" includes one or more of  
3.31 the following:

- 4.1 (1) assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and  
4.2 bathing;
- 4.3 (2) providing standby assistance;
- 4.4 (3) providing verbal or visual reminders to the resident to take regularly scheduled  
4.5 medication, which includes bringing the resident previously set up medication, medication  
4.6 in original containers, or liquid or food to accompany the medication;
- 4.7 (4) providing verbal or visual reminders to the resident to perform regularly scheduled  
4.8 treatments and exercises;
- 4.9 (5) preparing ~~modified~~ specialized diets ordered by a licensed health professional;
- 4.10 (6) services of an advanced practice registered nurse, registered nurse, licensed practical  
4.11 nurse, physical therapist, respiratory therapist, occupational therapist, speech-language  
4.12 pathologist, dietitian or nutritionist, or social worker;
- 4.13 (7) tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed  
4.14 health professional within the person's scope of practice;
- 4.15 (8) medication management services;
- 4.16 (9) hands-on assistance with transfers and mobility;
- 4.17 (10) treatment and therapies;
- 4.18 (11) assisting residents with eating when the residents have complicated eating problems  
4.19 as identified in the resident record or through an assessment such as difficulty swallowing,  
4.20 recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous  
4.21 instruments to be fed;
- 4.22 (12) providing other complex or specialty health care services; and
- 4.23 (13) supportive services in addition to the provision of at least one of the services listed  
4.24 in clauses (1) to (12).

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

4.26 Sec. 7. Minnesota Statutes 2020, section 144G.08, subdivision 23, is amended to read:

4.27 Subd. 23. **Direct ownership interest.** "Direct ownership interest" means an individual  
4.28 or ~~organization~~ legal entity with the possession of at least five percent equity in capital,  
4.29 stock, or profits of the licensee, or who is a member of a limited liability company of the  
4.30 licensee.

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

5.2 Sec. 8. Minnesota Statutes 2020, section 144G.08, subdivision 59, is amended to read:

5.3 Subd. 59. **Resident.** "Resident" means ~~a person~~ an adult living in an assisted living  
5.4 facility who has executed an assisted living contract.

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

5.6 Sec. 9. Minnesota Statutes 2020, section 144G.10, subdivision 1, is amended to read:

5.7 Subdivision 1. **License required.** (a) Beginning August 1, 2021, no assisted living  
5.8 facility may operate in Minnesota unless it is licensed under this chapter.

5.9 (b) The licensee is legally responsible for the management, control, and operation of the  
5.10 facility, regardless of the existence of a management agreement or subcontract. Nothing in  
5.11 this chapter shall in any way affect the rights and remedies available under other law.

5.12 (c) Upon approving an application for an assisted living facility license, the commissioner  
5.13 shall issue a single license for each building that is operated by the licensee as an assisted  
5.14 living facility and is located at a separate address, except as provided under paragraph (d).

5.15 (d) Upon approving an application for an assisted living facility license, the commissioner  
5.16 may issue a single license for two or more buildings on a campus that are operated by the  
5.17 same licensee as an assisted living facility. An assisted living facility license for a campus  
5.18 must identify the address and licensed resident capacity of each building located on the  
5.19 campus in which assisted living services are provided.

5.20 (e) Upon approving an application for an assisted living facility license, the commissioner  
5.21 may issue a single license for two or more buildings on a campus that are operated by the  
5.22 same licensee as an assisted living facility with dementia care license for the campus with  
5.23 identification as to which of the buildings is actually operating as an assisted living facility  
5.24 with dementia care license, or apply for a separate assisted living facility with dementia  
5.25 care license for the building. These services may not be provided at the building until the  
5.26 license is issued by the commissioner.

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

6.1 Sec. 10. Minnesota Statutes 2020, section 144G.10, is amended by adding a subdivision  
6.2 to read:

6.3 Subd. 1a. **Assisted living director license required.** Each assisted living facility must  
6.4 employ an assisted living director licensed or permitted by the Board of Executives for  
6.5 Long Term Services and Supports.

6.6 Sec. 11. **[144G.191] ASSISTED LIVING FACILITY LICENSING**  
6.7 **IMPLEMENTATION; PROVISIONAL LICENSES; TRANSITION PERIOD FOR**  
6.8 **CURRENT PROVIDERS.**

6.9 Subdivision 1. **Provisional licenses.** (a) Beginning June 1, 2021, no initial housing with  
6.10 services establishment registration applications shall be accepted under chapter 144D.

6.11 (b) Beginning June 1, 2021, no temporary comprehensive home care provider license  
6.12 applications shall be accepted for providers that do not intend to provide home care services  
6.13 under sections 144A.43 to 144A.484 on or after August 1, 2021.

6.14 Subd. 2. **New construction; building permit.** (a) All prospective assisted living facility  
6.15 license applicants seeking a license and having new construction as defined under section  
6.16 144G.08, subdivision 42, who have submitted a complete building permit application to the  
6.17 appropriate building code jurisdiction on or before July 31, 2021, may meet construction  
6.18 requirements in effect when the building permit application was submitted.

6.19 (b) All prospective assisted living facility license applicants seeking a license for new  
6.20 construction who submit a complete building permit application to the appropriate building  
6.21 code jurisdiction on or after August 1, 2021, must meet the requirements of section 144G.45.

6.22 (c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building  
6.23 code authority, a complete application for an electrical or plumbing permit is acceptable in  
6.24 lieu of the building permit application.

6.25 (d) For the purposes of paragraph (a), in jurisdictions where building plan review  
6.26 applications are separated from building permit applications, a submitted complete application  
6.27 for plan review is acceptable in lieu of the building permit application.

6.28 Subd. 3. **Current comprehensive home care providers; provision of assisted living**  
6.29 **services.** (a) Comprehensive home care providers that do not intend to provide home care  
6.30 services under chapter 144A on or after August 1, 2021, shall be issued a prorated license  
6.31 period upon renewal, effective for license renewals beginning on or after September 1,  
6.32 2020. The prorated license period shall be effective from the provider's current comprehensive  
6.33 home care license renewal date through July 31, 2021.

7.1 (b) Comprehensive home care providers with prorated license periods shall pay a prorated  
7.2 fee based on the number of months the comprehensive home care license is in effect.

7.3 (c) A comprehensive home care provider using the prorated license period in paragraph  
7.4 (a), or who otherwise does not intend to provide home care services under chapter 144A  
7.5 on or after August 1, 2021, must notify the recipients of changes to their home care services  
7.6 in writing at least 60 days before the expiration of the provider's license, or no later than  
7.7 May 31, 2021, whichever is earlier. The notice must:

7.8 (1) state that the provider will no longer be providing home care services under chapter  
7.9 144A;

7.10 (2) include the date when the provider will no longer be providing these services;

7.11 (3) include the name, e-mail address, and phone number of the individual associated  
7.12 with the comprehensive home care provider that the recipient of home care services may  
7.13 contact to discuss the notice;

7.14 (4) include the contact information consisting of the phone number, e-mail address,  
7.15 mailing address, and website for the Office of Ombudsman for Long-Term Care and the  
7.16 Office of Ombudsman for Mental Health and Developmental Disabilities; and

7.17 (5) for recipients of home care services who receive home and community-based waiver  
7.18 services under section 256B.49 and chapter 256S, also be provided to the resident's case  
7.19 manager at the same time that it is provided to the resident.

7.20 (d) A comprehensive home care provider that obtains an assisted living facility license  
7.21 but does so under a different business name as a result of reincorporation, and continues to  
7.22 provide services to the recipient, is not subject to the 60-day notice required under paragraph  
7.23 (c). However, the provider must otherwise provide notice to the recipient as required under  
7.24 sections 144A.44, 144A.441, and 144A.442, as applicable, and section 144A.4791.

7.25 **Subd. 4. Housing with services establishment registration; conversion to an assisted**  
7.26 **living facility license.** (a) Housing with services establishments registered under chapter  
7.27 144D having an assigned Health Facility Identification (HFID) number, providing home  
7.28 care services according to chapter 144A to at least one resident, and intending to provide  
7.29 assisted living services on or after August 1, 2021, must submit an application for an assisted  
7.30 living facility license in accordance with section 144G.12 no later than June 1, 2021. The  
7.31 commissioner shall consider the application in accordance with section 144G.16.

7.32 (b) Notwithstanding the housing with services contract requirements identified in section  
7.33 144D.04, any existing housing with services establishment registered under chapter 144D

8.1 that does not intend to convert its registration to an assisted living facility license under this  
 8.2 chapter must provide written notice to its residents at least 60 days before the expiration of  
 8.3 its registration, or no later than May 31, 2021, whichever is earlier. The notice must:

8.4 (1) state that the housing with services establishment does not intend to convert to an  
 8.5 assisted living facility;

8.6 (2) include the date when the housing with services establishment will no longer provide  
 8.7 housing with services;

8.8 (3) include the name, e-mail address, and phone number of the individual associated  
 8.9 with the housing with services establishment that the recipient of home care services may  
 8.10 contact to discuss the notice;

8.11 (4) include the contact information consisting of the phone number, e-mail address,  
 8.12 mailing address, and website for the Office of Ombudsman for Long-Term Care and the  
 8.13 Office of Ombudsman for Mental Health and Developmental Disabilities; and

8.14 (5) for residents who receive home and community-based waiver services under section  
 8.15 256B.49 and chapter 256S, also be provided to the resident's case manager at the same time  
 8.16 that it is provided to the resident.

8.17 (c) A housing with services registrant that obtains an assisted living facility license, but  
 8.18 does so under a different business name as a result of reincorporation, and continues to  
 8.19 provide services to the recipient, is not subject to the 60-day notice required under paragraph  
 8.20 (b). However, the provider must otherwise provide notice to the recipient as required under  
 8.21 sections 144D.04 and 144D.045, as applicable, and section 144D.09.

8.22 (d) All registered housing with services establishments providing assisted living as  
 8.23 defined in section 144G.01, subdivision 2, prior to August 1, 2021, must have an assisted  
 8.24 living facility license under this chapter.

8.25 (e) Effective August 1, 2021, any housing with services establishment registered under  
 8.26 chapter 144D that has not converted its registration to an assisted living facility license  
 8.27 under this chapter is prohibited from providing assisted living services.

8.28 **Subd. 5. Conversion to assisted living licensure; renewal periods; prorated**  
 8.29 **licenses.** (a) All assisted living facility licenses and assisted living facility with dementia  
 8.30 care licenses with an initial effective date in August 2021, will be valid through July 31,  
 8.31 2022. These licenses must be initially renewed on August 1, 2022.

8.32 (b) Notices for renewal will be issued by the department to all licensees by May 1, 2022.  
 8.33 The notice will include:

9.1 (1) instructions for how to complete the renewal process, including completion of the  
 9.2 renewal application and payment of the annual license fee in accordance with Minnesota  
 9.3 Statutes, section 144G.17;

9.4 (2) a new randomly assigned license renewal period that will apply for all future license  
 9.5 renewals;

9.6 (3) instructions for licensees to request a change to the randomly assigned renewal period  
 9.7 based on financial hardship; and

9.8 (4) instructions for licensees with more than one assisted living facility license to request  
 9.9 that all license renewal dates occur in the same month or in different months throughout a  
 9.10 12-month period.

9.11 (c) License fees for the first license renewal shall be prorated based on the randomly  
 9.12 assigned license renewal period starting from August 1, 2022, as follows:

9.13 <u>Assigned renewal month; must be completed</u>	
9.14 <u>by the 1st of the month:</u>	<u>The initial renewed license will be issued for:</u>
9.15 <u>January</u>	<u>5 months, ending December 31, 2022</u>
9.16 <u>February</u>	<u>6 months, ending January 31, 2023</u>
9.17 <u>March</u>	<u>7 months, ending February 28, 2023</u>
9.18 <u>April</u>	<u>8 months, ending March 31, 2023</u>
9.19 <u>May</u>	<u>9 months, ending April 30, 2023</u>
9.20 <u>June</u>	<u>10 months, ending May 31, 2023</u>
9.21 <u>July</u>	<u>11 months, ending June 30, 2023</u>
9.22 <u>August</u>	<u>12 months, ending July 31, 2023</u>
9.23 <u>September</u>	<u>13 months, ending August 31, 2023</u>
9.24 <u>October</u>	<u>14 months, ending September 30, 2023</u>
9.25 <u>November</u>	<u>15 months, ending October 31, 2023</u>
9.26 <u>December</u>	<u>16 months, ending November 30, 2023</u>

9.27 (d) All prorated license fees will be based on the licensee's annual fee in accordance  
 9.28 with the fees schedule established by the commissioner in section 144.122, paragraph (d).

9.29 (e) The amount of the annual fee will be divided by 12 to establish the monthly equivalent  
 9.30 of that fee and that amount will be multiplied by the number of months in the assigned  
 9.31 prorated renewal period. This amount must be paid by the date in the renewal instructions  
 9.32 to the licensee in order to renew the license.

9.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 12. Minnesota Statutes 2020, section 144G.41, subdivision 1, is amended to read:

10.2 Subdivision 1. **Minimum requirements.** All assisted living facilities shall:

10.3 (1) distribute to residents the assisted living bill of rights;

10.4 (2) provide services in a manner that complies with the Nurse Practice Act in sections  
10.5 148.171 to 148.285;

10.6 (3) utilize a person-centered planning and service delivery process;

10.7 (4) have and maintain a system for delegation of health care activities to unlicensed  
10.8 personnel by a registered nurse, including supervision and evaluation of the delegated  
10.9 activities as required by the Nurse Practice Act in sections 148.171 to 148.285;

10.10 (5) provide a means for residents to request assistance for health and safety needs 24  
10.11 hours per day, seven days per week;

10.12 (6) allow residents the ability to furnish and decorate the resident's unit within the terms  
10.13 of the assisted living contract;

10.14 (7) permit residents access to food at any time;

10.15 (8) allow residents to choose the resident's visitors and times of visits;

10.16 (9) allow the resident the right to choose a roommate if sharing a unit;

10.17 (10) notify the resident of the resident's right to have and use a lockable door to the  
10.18 resident's unit. The licensee shall provide the locks on the unit. Only a staff member with  
10.19 a specific need to enter the unit shall have keys, and advance notice must be given to the  
10.20 resident before entrance, when possible. An assisted living facility must not lock a resident  
10.21 in the resident's unit;

10.22 (11) develop and implement a staffing plan for determining its staffing level that:

10.23 (i) includes an evaluation, to be conducted at least twice a year, of the appropriateness  
10.24 of staffing levels in the facility;

10.25 (ii) ensures sufficient staffing at all times to meet the scheduled and reasonably  
10.26 foreseeable unscheduled needs of each resident as required by the residents' assessments  
10.27 and service plans on a 24-hour per day basis; and

10.28 (iii) ensures that the facility can respond promptly and effectively to individual resident  
10.29 emergencies and to emergency, life safety, and disaster situations affecting staff or residents  
10.30 in the facility;

11.1 (12) ensure that one or more persons are available 24 hours per day, seven days per  
11.2 week, who are responsible for responding to the requests of residents for assistance with  
11.3 health or safety needs. Such persons must be:

11.4 (i) awake;

11.5 (ii) located in the same building, in an attached building, or on a contiguous campus  
11.6 with the facility in order to respond within a reasonable amount of time;

11.7 (iii) capable of communicating with residents;

11.8 (iv) capable of providing or summoning the appropriate assistance; and

11.9 (v) capable of following directions; and

11.10 (13) offer to provide or make available at least the following services to residents:

11.11 (i) at least three nutritious meals daily with snacks available seven days per week,  
11.12 according to the recommended dietary allowances in the United States Department of  
11.13 Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables. The  
11.14 following apply:

11.15 (A) menus must be prepared at least one week in advance, and made available to all  
11.16 residents. The facility must encourage residents' involvement in menu planning. Meal  
11.17 substitutions must be of similar nutritional value if a resident refuses a food that is served.  
11.18 Residents must be informed in advance of menu changes;

11.19 (B) food must be prepared and served according to the Minnesota Food Code, Minnesota  
11.20 Rules, chapter 4626; and

11.21 (C) the facility cannot require a resident to include and pay for meals in their contract;

11.22 (ii) weekly housekeeping;

11.23 (iii) weekly laundry service;

11.24 (iv) upon the request of the resident, provide direct or reasonable assistance with arranging  
11.25 for transportation to medical and social services appointments, shopping, and other recreation,  
11.26 and provide the name of or other identifying information about the persons responsible for  
11.27 providing this assistance;

11.28 (v) upon the request of the resident, provide reasonable assistance with accessing  
11.29 community resources and social services available in the community, and provide the name  
11.30 of or other identifying information about persons responsible for providing this assistance;

11.31 (vi) provide culturally sensitive programs; and

12.1 (vii) have a daily program of social and recreational activities that are based upon  
 12.2 individual and group interests, physical, mental, and psychosocial needs, and that creates  
 12.3 opportunities for active participation in the community at large; and

12.4 (14) provide staff access to an on-call registered nurse 24 hours per day, seven days per  
 12.5 week.

12.6 Sec. 13. Minnesota Statutes 2020, section 144G.41, subdivision 3, is amended to read:

12.7 Subd. 3. **Infection control program.** (a) All assisted living facilities must establish and  
 12.8 maintain an infection control program.

12.9 (b) The facility's infection control program must be consistent with current guidelines  
 12.10 for infection prevention and control for long-term care facilities and as applicable to assisted  
 12.11 living facilities from the national Centers for Disease Control and Prevention (CDC) and  
 12.12 comply with accepted health care, medical, and nursing standards for infection control.

12.13 (c) The facility must maintain written evidence of compliance with this subdivision.

12.14 Sec. 14. Minnesota Statutes 2020, section 144G.42, subdivision 9, is amended to read:

12.15 Subd. 9. **Tuberculosis prevention and control.** (a) The facility must establish and  
 12.16 maintain a comprehensive tuberculosis infection control program according to the most  
 12.17 current tuberculosis infection control guidelines issued by the United States Centers for  
 12.18 Disease Control and Prevention (CDC), Division of Tuberculosis Elimination, as published  
 12.19 in the CDC's Morbidity and Mortality Weekly Report (~~MMWR~~). The program must include  
 12.20 a tuberculosis infection control plan that covers all paid and unpaid employees, contractors,  
 12.21 students, and regularly scheduled volunteers. The commissioner shall provide technical  
 12.22 assistance regarding implementation of the guidelines.

12.23 (b) The facility must maintain written evidence of compliance with this subdivision.

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

12.25 Sec. 15. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision  
 12.26 to read:

12.27 Subd. 9a. **Communicable diseases.** A facility must follow current state requirements  
 12.28 for prevention, control, and reporting of communicable diseases as defined in Minnesota  
 12.29 Rules, parts 4605.7040, 4605.7044, 4605.7050, 4605.7075, 4605.7080, and 4605.7090.

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

13.1 Sec. 16. Minnesota Statutes 2020, section 144G.45, subdivision 2, is amended to read:

13.2 Subd. 2. **Fire protection and physical environment.** (a) Each assisted living facility  
 13.3 must ~~have a comprehensive fire protection system that includes~~ comply with the State Fire  
 13.4 Code in Minnesota Rules, chapter 7511, and:

13.5 ~~(1) protection throughout by an approved supervised automatic sprinkler system according~~  
 13.6 ~~to building code requirements established in Minnesota Rules, part 1305.0903, or smoke~~  
 13.7 ~~detectors in each occupied room installed and maintained in accordance with the National~~  
 13.8 ~~Fire Protection Association (NFPA) Standard 72; for dwellings or sleeping units, as defined~~  
 13.9 ~~in the Minnesota State Fire Code:~~

13.10 (i) provide smoke alarms in each room used for sleeping purposes;

13.11 (ii) provide smoke alarms outside of each separate sleeping area in the immediate vicinity  
 13.12 of bedrooms;

13.13 (iii) provide smoke alarms on each story within a dwelling unit, including basements,  
 13.14 but not including crawl spaces and unoccupied attics;

13.15 (iv) where more than one smoke alarm is required within an individual dwelling unit or  
 13.16 sleeping unit, interconnect all smoke alarms so that actuation of one alarm causes all alarms  
 13.17 in the individual dwelling unit or sleeping unit to operate; and

13.18 (v) ensure the power supply for existing smoke alarms complies with the state fire code,  
 13.19 except that newly introduced smoke alarms in existing buildings may be battery operated;

13.20 ~~(2) portable fire extinguishers installed and tested in accordance with the NFPA Standard~~  
 13.21 ~~10; and~~ install and maintain portable fire extinguishers in accordance with the state fire  
 13.22 code, Minnesota Rules, Chapter 7511;

13.23 (3) install portable fire extinguishers having a minimum 2-A:10-B:C rating within Group  
 13.24 R-3 occupancies, as defined by the state fire code, Minnesota Rules, Chapter 7511, located  
 13.25 so that the travel distance to the nearest fire extinguisher does not exceed 75 feet, and  
 13.26 maintained in accordance with the state fire code; and

13.27 ~~(3)~~ (4) keep the physical environment, including walls, floors, ceiling, all furnishings,  
 13.28 grounds, systems, and equipment that is kept in a continuous state of good repair and  
 13.29 operation with regard to the health, safety, comfort, and well-being of the residents in  
 13.30 accordance with a maintenance and repair program.

13.31 ~~(b) Fire drills in assisted living facilities shall be conducted in accordance with the~~  
 13.32 ~~residential board and care requirements in the Life Safety Code, except that fire drills in~~

14.1 ~~secured dementia care units shall be conducted in accordance with section 144G.81,~~  
 14.2 ~~subdivision 2.~~ Each assisted living facility shall develop and maintain fire safety and  
 14.3 evacuation plans. The plans shall include but are not limited to the following:

14.4 (1) location and number of resident sleeping rooms;

14.5 (2) employee actions to be taken in the event of a fire or similar emergency;

14.6 (3) fire protection procedures necessary for residents;

14.7 (4) procedures for resident movement, evacuation, or relocation during a fire or similar  
 14.8 emergency including the identification of unique or unusual resident needs for movement  
 14.9 or evacuation;

14.10 (5) employees of assisted living facilities shall receive training on the fire safety and  
 14.11 evacuation plans upon hiring and at least twice per year thereafter;

14.12 (6) fire safety and evacuation plans shall be readily available at all times within the  
 14.13 facility;

14.14 (7) residents who are capable of assisting in their own evacuation shall be trained on the  
 14.15 proper actions to take in the event of a fire to include movement, evacuation, or relocation.

14.16 The training shall be made available to residents at least once per year; and

14.17 (8) evacuation drills are required for employees twice per year per shift with at least one  
 14.18 evacuation drill every other month. Evacuation of the residents is not required. Fire alarm  
 14.19 system activation is not required to initiate the evacuation drill.

14.20 (c) Existing construction or elements, including assisted living facilities that were  
 14.21 registered as housing with services establishments under chapter 144D prior to August 1,  
 14.22 2021, shall be permitted to ~~be continued~~ continue in use provided such use does not constitute  
 14.23 a distinct hazard to life. Any existing elements that an authority having jurisdiction deems  
 14.24 a distinct hazard to life must be corrected. The facility must document in the facility's records  
 14.25 any actions taken to comply with a correction order, and must submit to the commissioner  
 14.26 for review and approval prior to correction.

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

14.28 Sec. 17. Minnesota Statutes 2020, section 144G.45, subdivision 4, is amended to read:

14.29 Subd. 4. **Design requirements.** (a) All assisted living facilities with six or more residents  
 14.30 must meet the provisions relevant to assisted living facilities in the ~~most current~~ 2018 edition  
 14.31 of the Facility Guidelines Institute "Guidelines for Design and Construction of Residential  
 14.32 Health, Care and Support Facilities" and of adopted rules. This minimum design standard

15.1 must be met for all new licenses; or new construction, ~~modifications, renovations, alterations,~~  
 15.2 ~~changes of use, or additions.~~ In addition to the guidelines, assisted living facilities shall  
 15.3 provide the option of a bath in addition to a shower for all residents.

15.4 (b) If the commissioner decides to update the edition of the guidelines specified in  
 15.5 paragraph (a) for purposes of this subdivision, the commissioner must notify the chairs and  
 15.6 ranking minority members of the legislative committees and divisions with jurisdiction over  
 15.7 health care and public safety of the planned update by January 15 of the year in which the  
 15.8 new edition will become effective. Following notice from the commissioner, the new edition  
 15.9 shall become effective for assisted living facilities beginning August 1 of that year, unless  
 15.10 provided otherwise in law. The commissioner shall, by publication in the State Register,  
 15.11 specify a date by which facilities must comply with the updated edition. The date by which  
 15.12 facilities must comply shall not be sooner than six months after publication of the  
 15.13 commissioner's notice in the State Register.

15.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.15 Sec. 18. Minnesota Statutes 2020, section 144G.45, subdivision 5, is amended to read:

15.16 Subd. 5. **Assisted living facilities; Life Safety Code.** (a) All assisted living facilities  
 15.17 with six or more residents must meet the applicable provisions of the ~~most current~~ 2018  
 15.18 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care  
 15.19 Occupancies chapter. The minimum design standard shall be met for all new licenses; or  
 15.20 new construction, ~~modifications, renovations, alterations, changes of use, or additions.~~

15.21 (b) If the commissioner decides to update the Life Safety Code for purposes of this  
 15.22 subdivision, the commissioner must notify the chairs and ranking minority members of the  
 15.23 legislative committees and divisions with jurisdiction over health care and public safety of  
 15.24 the planned update by January 15 of the year in which the new Life Safety Code will become  
 15.25 effective. Following notice from the commissioner, the new edition shall become effective  
 15.26 for assisted living facilities beginning August 1 of that year, unless provided otherwise in  
 15.27 law. The commissioner shall, by publication in the State Register, specify a date by which  
 15.28 facilities must comply with the updated Life Safety Code. The date by which facilities must  
 15.29 comply shall not be sooner than six months after publication of the commissioner's notice  
 15.30 in the State Register.

15.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.1 Sec. 19. Minnesota Statutes 2020, section 144G.50, subdivision 1, is amended to read:

16.2 Subdivision 1. **Contract required.** (a) An assisted living facility may not offer or provide  
16.3 housing or assisted living services to ~~a resident~~ any individual unless it has executed a  
16.4 written contract ~~with the resident~~.

16.5 (b) The contract must contain all the terms concerning the provision of:

16.6 (1) housing;

16.7 (2) assisted living services, whether provided directly by the facility or by management  
16.8 agreement or other agreement; and

16.9 (3) the resident's service plan, if applicable.

16.10 (c) A facility must:

16.11 (1) offer to prospective residents and provide to the Office of Ombudsman for Long-Term  
16.12 Care a complete unsigned copy of its contract; and

16.13 (2) give a complete copy of any signed contract and any addendums, and all supporting  
16.14 documents and attachments, to the resident promptly after a contract and any addendum  
16.15 has been signed.

16.16 (d) A contract under this section is a consumer contract under sections 325G.29 to  
16.17 325G.37.

16.18 (e) Before or at the time of execution of the contract, the facility must offer the resident  
16.19 the opportunity to identify a designated representative according to subdivision 3.

16.20 (f) The resident must agree in writing to any additions or amendments to the contract.  
16.21 Upon agreement between the resident and the facility, a new contract or an addendum to  
16.22 the existing contract must be executed and signed.

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

16.24 Sec. 20. Minnesota Statutes 2020, section 144G.54, subdivision 4, is amended to read:

16.25 Subd. 4. **Burden of proof for appeals of termination.** (a) The facility bears the burden  
16.26 of proof to establish by a preponderance of the evidence that the termination was permissible  
16.27 if the appeal is brought on the ground listed in subdivision 2, clause (1) or (4).

16.28 (b) The resident bears the burden of proof to establish by a preponderance of the evidence  
16.29 that the termination was not permissible if the appeal is brought on the ground listed in  
16.30 subdivision 2, clause (2) or (3).

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

17.2 Sec. 21. Minnesota Statutes 2020, section 144G.81, subdivision 3, is amended to read:

17.3 Subd. 3. **Assisted living facilities with dementia care and secured dementia care**  
 17.4 **unit; Life Safety Code.** (a) All assisted living facilities with dementia care and a secured  
 17.5 dementia care unit must meet the applicable provisions of the ~~most current~~ 2018 edition of  
 17.6 the NFPA Standard 101, Life Safety Code, Healthcare (limited care) chapter. The minimum  
 17.7 design standards shall be met for all new licenses, or new construction, ~~modifications,~~  
 17.8 ~~renovations, alterations, changes of use, or additions.~~

17.9 (b) If the commissioner decides to update the Life Safety Code for purposes of this  
 17.10 subdivision, the commissioner must notify the chairs and ranking minority members of the  
 17.11 legislative committees and divisions with jurisdiction over health care and public safety of  
 17.12 the planned update by January 15 of the year in which the new Life Safety Code will become  
 17.13 effective. Following notice from the commissioner, the new edition shall become effective  
 17.14 for assisted living facilities with dementia care and a secured dementia care unit beginning  
 17.15 August 1 of that year, unless provided otherwise in law. The commissioner shall, by  
 17.16 publication in the State Register, specify a date by which these facilities must comply with  
 17.17 the updated Life Safety Code. The date by which these facilities must comply shall not be  
 17.18 sooner than six months after publication of the commissioner's notice in the State Register.

17.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.20 Sec. 22. Minnesota Statutes 2020, section 144G.92, subdivision 5, is amended to read:

17.21 Subd. 5. **Other laws.** Nothing in this section affects the rights and remedies available  
 17.22 ~~to a resident~~ under section 626.557, subdivisions 10, 17, and 20.

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

17.24 Sec. 23. **REVISOR INSTRUCTION.**

17.25 (a) The revisor of statutes, in consultation with the House Research Department, Office  
 17.26 of Senate Counsel, Research and Fiscal Analysis, and the Department of Health, shall make  
 17.27 necessary cross-reference changes and remove obsolete statutory cross-references in chapter  
 17.28 144G and other Minnesota Statutes sections to conform with the changes resulting from the  
 17.29 implementation and effective date of assisted living licensure under Minnesota Statutes,  
 17.30 sections 144G.08 to 144G.9999, and Laws 2019, chapter 60, before publication of the 2021  
 17.31 Statutes Supplement.

18.1 (b) The revisor, in consultation with the House Research Department, Office of Senate  
18.2 Counsel, Research and Fiscal Analysis, and the Department of Health, may make technical  
18.3 and other necessary changes to sentence structure to preserve the meaning of the text. The  
18.4 revisor may make changes to Minnesota Statutes to incorporate statutory changes made by  
18.5 other law in the 2021 regular legislative session. If a provision repealed in this act is also  
18.6 amended in the 2021 regular legislative session by other law, the revisor shall give effect  
18.7 to the amendment and renumber it in chapter 144G.

18.8 **EFFECTIVE DATE.** This section is effective the day following enactment.

18.9 Sec. 24. **REPEALER.**

18.10 Minnesota Statutes 2020, section 144G.81, subdivision 2, is repealed.

18.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.