

**Subject** Assisted living licensure; resident and consumer protections  
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## Overview

This bill establishes resident and consumer protections for residents of assisted living facilities, nursing facilities, housing with services establishments, and independent senior living facilities; provides for licensure of assisted living facilities and assisted living facilities with dementia care; establishes additional requirements for assisted living facilities with dementia care; and makes conforming changes related to licensure of assisted living facilities.

## Article 1: Resident Rights and Consumer Protections

This article establishes resident rights and consumer protections for residents of assisted living facilities, and in certain cases for residents of nursing homes, housing with services establishments, or boarding care homes. Sections in this article prohibit retaliation against facility residents and employees, prohibit deceptive marketing and business practices, state resident rights, authorize electronic monitoring, establish a procedure for a facility to terminate a resident's housing or services, require disclosure of forced arbitration provisions in contracts, and provide remedies for violations of certain sections.

Section	Description – Article 1: Resident Rights and Consumer Protections
1	<p><b>Definitions.</b></p> <p>Adds § 144J.01. Defines terms for a chapter establishing resident rights and consumer protections for residents of assisted living facilities: assisted living contract, assisted living facility, assisted living facility with dementia care, assisted living services, attorney-in-fact, conservator, designated representative, facility, guardian, health care agent, legal representative, licensed health care professional, resident, resident record, and service plan.</p>
2	<p><b>Resident rights.</b></p> <p>Adds § 144J.02.</p> <p><b>Subd. 1. Applicability.</b> Provides that this section applies to assisted living facility residents.</p> <p><b>Subd. 2. Legislative intent.</b> States legislative intent for this section.</p>

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**Subd. 3. Information about rights and facility policies.** Before receiving services, provides that residents have the right to receive written information about rights in plain language and in terms residents can understand. Requires reasonable accommodations for residents with communication disabilities or who speak languages other than English. Lists what information must be provided. Also allows residents to request current policies, inspection findings, and further explanations of the rights provided under this section.

**Subd. 4. Courteous treatment.** Provides that residents have the right to be treated with courtesy and respect and to have their property treated with respect.

**Subd. 5. Appropriate care and services.** Provides that residents have the right to care and services that are appropriate according to a current plan for care and services, and the right to receive medical and personal care and services with continuity from properly trained, competent people.

**Subd. 6. Participating in care and service planning.** Provides that residents have the right to actively participate in planning, modifying, and evaluating their care and services.

**Subd. 7. Information about individuals providing services.** Provides that residents, before receiving services, have the right to be told about the type and discipline of staff who will provide the services, the frequency of proposed visits, and other choices to address the resident's needs.

**Subd. 8. Information about health care treatment.** Provides that residents have the right to complete, current information about their diagnosis, cognitive functioning level, treatment, alternatives, risks, and prognosis.

**Subd. 9. Information about other providers and services.** Provides that residents have the right to be informed by the facility that the resident has the right to purchase or obtain services from a provider other than the assisted living facility or a related provider.

**Subd. 10. Information about charges.** Provides that residents have the right to certain information about charges for services, payments from health insurance or a public health care program, and charges for which the resident may be responsible.

**Subd. 11. Refusal of care or services.** Provides that residents have the right to refuse services or care, and requires these refusals to be documented in the resident's record.

**Subd. 12. Freedom from maltreatment.** Provides that residents have the right to be free from maltreatment.

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**Subd. 13. Personal and treatment privacy.** Provides that residents have the listed rights to personal privacy and privacy in their treatment.

**Subd. 14. Communication privacy.** Provides that residents have the right to communicate privately with persons of their choice.

**Subd. 15. Confidentiality of records.** Provides that residents have the right to have personal, financial, and medical information kept private, to approve or refuse to approve releases of information, and to be informed of policies and procedures for disclosure of information. Also requires residents to be notified when an outside party requests personal records, and states that residents have the right to access their own records.

**Subd. 16. Grievances and inquiries.** Provides that residents have the right to make complaints and receive a timely response to complaints, and to know the person at the facility designated to handle and resolve complaints. Requires facilities to promptly investigate and try to resolve complaints.

**Subd. 17. Visitors and social participation.** Provides that residents have the right to protection and advocacy services, to receive and meet with visitors, and to participate in commercial, religious, social, community, and political activities.

**Subd. 18. Access to counsel and advocacy services.** Provides that residents have the right to immediate access to legal counsel and representatives of the protection and advocacy system.

**Subd. 19. Right to come and go freely.** Provides that residents have the right to enter and leave the facility as they choose.

**Subd. 20. Access to technology.** Provides that residents have the right to access Internet technology at their own expense, unless offered by the facility.

**Subd. 21. Resident councils.** Provides that residents have the right to organize and participate in resident councils, and specifies facility functions and duties for these councils.

**Subd. 22. Family councils.** Provides that residents have the right to organize and participate in family councils, and specifies facility functions and duties for these councils.

**3      Retaliation prohibited.**

Adds § 144J.03. Prohibits retaliation against residents and employees of assisted living facilities.

**Subd. 1. Retaliation prohibited.** Prohibits an assisted living facility from retaliating against a resident or employee if the resident, employee, or person acting in their behalf files a complaint, asserts a right, indicates an intention to file a complaint, files a maltreatment report, seeks help from or reports a crime

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to the facility or others, seeks advocacy assistance, files a civil action, participates in an investigation, contracts with a service provider other than the facility, or places an electronic monitoring device in the resident’s private space.

**Subd. 2. Retaliation against a resident.** Lists actions that constitute retaliation against a resident.

**Subd. 3. Retaliation against an employee.** Lists actions that constitute retaliation against an employee.

**Subd. 4. Rebuttable presumption of retaliation.** Paragraph (a) provides that there is a rebuttable presumption that the listed acts against residents and employees, if taken within 90 days of an initial action, constitute retaliation. Paragraphs (b) to (d) specify exceptions in which this presumption does not apply.

**Subd. 5. Other laws.** States that this section does not affect the rights of a resident under the maltreatment of vulnerable adults act.

**4 Deceptive marketing and business practices prohibited.**

Adds § 144J.04. Prohibits a facility employee or agent from making false, fraudulent, deceptive, or misleading statements, representations, or material omissions in marketing, advertising, or another description of care or services. Prohibits an assisted living contract from being deceptive, and prohibits a facility from advertising or representing that the facility has a dementia care unit without complying with the disclosure requirements for those units in other law. Allows the attorney general to enforce this section by seeking an injunction in district court.

**5 Electronic monitoring in certain facilities.**

Adds § 144J.05. Authorizes electronic monitoring in certain facilities.

**Subd. 1. Definitions.** Defines terms for this section: commissioner, department, electronic monitoring, electronic monitoring device, facility, resident, resident representative.

**Subd. 2. Electronic monitoring authorized.** Requires a facility to allow a resident or resident representative to conduct electronic monitoring in the resident’s room or private living space. Provides that this section does not preclude electronic monitoring in health care as allowed under other law.

**Subd. 3. Consent to electronic monitoring.** Requires a resident to consent to electronic monitoring in writing on a notification and consent form, unless an exception applies. If a resident does not affirmatively object to electronic monitoring and if the resident cannot understand the nature and consequences of electronic monitoring, allows a resident representative to consent to electronic monitoring on behalf of the resident. Before consenting on behalf of a

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resident, lists information the resident representative must explain to the resident. Allows a resident to set conditions for the use of electronic monitoring, to request that electronic monitoring is turned off or blocked in certain circumstances, or to withdraw consent for electronic monitoring. Before implementing electronic monitoring, requires a resident or resident representative to obtain written consent from all roommates. Allows a resident representative to consent on behalf of a roommate.

**Subd. 4. Refusal of roommate to consent.** If a resident residing in a shared room wants to conduct electronic monitoring and a roommate refuses to consent, requires a facility to make reasonable attempts to accommodate the resident who wants to conduct electronic monitoring by offering to move the resident to another available shared room. Requires a resident to pay the private room rate if the resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device. If the facility cannot accommodate the resident due to lack of space, requires the facility to reevaluate the situation periodically until the request is fulfilled.

**Subd. 5. Notice to facility; exceptions.** Before beginning electronic monitoring, requires a resident or resident representative to submit a notification and consent form to the facility, except the resident or resident representative is not required to submit the notification and consent form for up to 30 days if:

- the resident or resident representative fears retaliation, submits the notification and consent form to the Office of Ombudsman for Long-Term Care, and submits a maltreatment report to the common entry point upon evidence from the electronic monitoring device of suspected maltreatment;
- there has not been a timely written response from the facility to a written communication from the resident or resident representative expressing a concern that prompted placement of an electronic monitoring device and the notification and consent form was submitted to the Office of Ombudsman for Long-Term Care; or
- the resident or resident representative has already submitted a maltreatment report to the common entry point or police regarding the concerns that prompted placement of an electronic monitoring device and the notification and consent form was submitted to the Office of Ombudsman for Long-Term Care.

Specifies steps when a resident, roommate, or resident representative wants to alter the conditions of consent to electronic monitoring, and specifies what happens when a new roommate moves into a room where electronic monitoring is taking place and when consent is withdrawn to electronic monitoring.

**Subd. 6. Form requirements.** Lists what must be included on the notification and consent form.

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**Subd. 7. Costs and installation.** Requires a resident choosing to conduct electronic monitoring to pay for purchasing and installing the electronic monitoring device. Provides that the resident may also be responsible for paying for Internet service, and requires a facility to make a reasonable attempt to accommodate the resident's installation needs.

**Subd. 8. Notice to visitors.** Requires a facility to post a sign at each entrance accessible to visitors stating that electronic monitoring devices may be present.

**Subd. 9. Obstruction of electronic monitoring devices.** Prohibits a person from obstructing an electronic monitoring device without permission from the resident or resident representative, but allows the device to be turned off or blocked if the resident or resident representative so directs, or if consent has been withdrawn.

**Subd. 10. Dissemination of recordings.** Prohibits a person from accessing any data created through electronic monitoring without written consent from the resident or resident representative. Allows data created through electronic monitoring to be disseminated only to address health, safety, or welfare concerns of residents. Disseminating data from electronic monitoring in violation of this section may be grounds for civil or criminal liability.

**Subd. 11. Admissibility of evidence.** Provides that records created through electronic monitoring may be admitted into evidence in a civil, criminal, or administrative proceeding.

**Subd. 12. Liability.** States that the mere presence of electronic monitoring is not a violation of a resident's right to privacy and that a facility is not liable if a resident discloses a recording.

**Subd. 13. Immunity from liability.** Provides for immunity from liability for the Office of Ombudsman for Long-Term Care.

**Subd. 14. Resident protections.** Prohibits a facility from refusing to admit a resident or removing a resident if the facility disagrees with a decision regarding electronic monitoring; retaliating against a resident for consenting or refusing to consent to electronic monitoring; or preventing the placement or use of electronic monitoring.

**Subd. 15. Employee discipline.** Allows a facility employee to access electronic monitoring if it is being used as evidence in a disciplinary action against the employee. Prohibits an employee from further disseminating the recording.

**Subd. 16. Penalties.** Allows the commissioner to issue a correction order if the facility fails to comply with requirements to store the notification and consent form and give the resident a copy, make the form available for changes, remove the device if roommate consent is not obtained, notify residents of the option of

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	conducting electronic monitoring, accommodate resident installation needs, provide notice to visitors, prohibit obstruction of devices, prevent unauthorized dissemination of recordings, and comply with resident protections.
6	<b>No discrimination based on source of payment.</b> Adds § 144J.06. Requires facilities to provide equal access to quality care and maintain identical policies for residency, transfers, and provision and termination of services, regardless of the source of payment.
7	<b>Consumer advocacy and legal services.</b> Adds § 144J.07. Requires a facility to provide the resident and certain representatives with the names and contact information of nonprofit organizations that provide advocacy or legal services and the Office of Ombudsman for Long-Term Care.
8	<b>Involuntary discharges and service terminations.</b> Adds § 144J.08.  <b>Subd. 1. Definitions.</b> Defines terms for this section: facility, refusal to readmit, termination of housing or services.  <b>Subd. 2. Prerequisite to termination of housing or services.</b> Before issuing a termination, requires a facility to explain the reason for the termination and convene a conference with the resident and others to identify reasonable accommodations to avoid the termination.  <b>Subd. 3. Permissible reasons to terminate housing or services.</b> Prohibits an assisted living facility from terminating housing or services, except if the termination is necessary for one of the listed reasons or if the resident’s needs exceed the scope of services for which the resident contracted or the scope of the assisted living facility’s license. Allows a facility to initiate discharge, eviction, or termination proceedings for nonpayment, provided other criteria are met.  <b>Subd. 4. Notice of termination required.</b> Requires at least 30 days’ advance notice to the resident and the Office of Ombudsman for Long-Term Care of a termination of housing or services, except in emergencies or if the facility’s license is restricted by the commissioner or if the facility ceases operations.  <b>Subd. 5. Content of notice.</b> Lists what the advance notice of a termination of housing or services must include.  <b>Subd. 6. Exceptions for emergencies.</b> Specifies when an assisted living facility may relocate a resident from the facility with less than 30 days’ notice.

Section	Description – Article 1: Resident Rights and Consumer Protections
9	<p data-bbox="354 275 899 302"><b>Appeal of termination of housing or services.</b></p> <p data-bbox="354 317 542 344">Adds § 144J.09.</p> <p data-bbox="453 386 1349 485"><b>Subd. 1. Right to appeal termination of housing or services.</b> Gives a facility resident and certain others the right to appeal a termination of housing or services or a refusal to readmit a resident after an emergency relocation.</p> <p data-bbox="453 527 1422 764"><b>Subd. 2. Appeals process.</b> Requires an appeal and request for a contested case hearing to be filed as authorized by the chief administrative law judge, and requires the Office of Administrative Hearings to conduct an expedited hearing within 14 calendar days after receipt of the hearing request. Places the burden of proof on the facility to establish that the termination or refusal to readmit is permissible and does not constitute retaliation. Provides for appeals from final determinations.</p> <p data-bbox="453 806 1398 869"><b>Subd. 3. Representation at a hearing.</b> Allows but does not require parties to be represented by counsel at a contested case hearing.</p> <p data-bbox="453 911 1386 968"><b>Subd. 4. Service provision while appeal pending.</b> Prohibits housing or services from being terminated while an appeal is ongoing.</p>
10	<p data-bbox="354 1026 1005 1054"><b>Housing and service termination; relocation planning.</b></p> <p data-bbox="354 1068 542 1096">Adds § 144J.10.</p> <p data-bbox="453 1138 1398 1306"><b>Subd. 1. Duties of facility.</b> If a facility terminates housing or services, intends to cease operations, or is subject to a restricted license, requires the facility to ensure a coordinated transfer of residents to a safe location or appropriate service provider. Also requires the facility to cooperate and consult with the resident and others.</p> <p data-bbox="453 1348 1360 1446"><b>Subd. 2. Safe location.</b> Lists places that are not considered safe locations, so residents cannot be transferred to those places. Prohibits a facility from terminating housing or services if the resident will become homeless.</p> <p data-bbox="453 1488 1333 1551"><b>Subd. 3. Written relocation plan required.</b> Requires a facility to prepare a written relocation plan.</p> <p data-bbox="453 1593 1406 1656"><b>Subd. 4. No relocation without receiving setting accepting.</b> Prohibits relocation unless the receiving setting indicates it will accept the resident.</p> <p data-bbox="453 1698 1422 1797"><b>Subd. 5. No termination of services without another provider.</b> Prohibits a termination of services unless another provider has indicated it will provide those services.</p> <p data-bbox="453 1839 1411 1896"><b>Subd. 6. Information that must be conveyed.</b> Lists resident information that the facility must provide to the receiving facility.</p>



Section	Description – Article 1: Resident Rights and Consumer Protections
	<p><b>Subd. 7. Final accounting; return of money and property.</b> Within a certain time period, requires the facility to provide the resident whose housing or services are being terminated with a final statement of account, any refunds due, the return of valuables held by the facility, and a refund of the resident’s security deposit.</p>
11	<p><b>Forced arbitration.</b> Adds § 144J.11. Requires an assisted living facility to affirmatively disclose to the resident any forced arbitration provision; and prohibits a forced arbitration provision from including a choice of law or choice of venue provision or from being unconscionable.</p>
12	<p><b>Violation of rights.</b> Adds § 144J.12. Allows a resident who is a senior citizen or person with disabilities and is injured by a violation of the following sections to bring a civil action for damages:</p> <ul style="list-style-type: none"><li>▪ section 144J.02, subdivisions 12, 15, and 18 (freedom from maltreatment, confidentiality of records, and access to counsel and advocacy services);</li><li>▪ section 144J.03 (retaliation prohibited), unless the resident has a cause of action under the maltreatment of vulnerable adults act; and</li><li>▪ section 144J.04 (deceptive marketing and business practices).</li></ul>
13	<p><b>Applicability of other laws.</b> Adds § 144J.13. Requires assisted living facilities to comply with landlord-tenant laws, and a requirement to disclose information about dementia care services provided. Provides that these facilities are not required to obtain a lodging license under chapter 157.</p>
14	<p><b>Remedy.</b> Amends § 325F.72. For violations of a section requiring disclosure of information about dementia care services provided, strikes language that a private right of action is not available.</p>

## Article 2: Nursing Homes

Section	Description – Article 2: Nursing Homes
1	<p><b>Retaliation in nursing homes prohibited.</b> Adds § 144.6512. Prohibits retaliation against nursing home residents and employees.</p> <p><b>Subd. 1. Definitions.</b> Defines nursing home and resident.</p> <p><b>Subd. 2. Retaliation prohibited.</b> Prohibits a nursing home from retaliating against a resident or employee if the resident, employee, or person acting in their behalf files a complaint, asserts a right, indicates an intention to file a complaint, files a</p>

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maltreatment report, seeks help from or reports a crime to the nursing home or others, seeks advocacy assistance, files a civil action, participates in an investigation, contracts with a service provider other than the nursing home, or places an electronic monitoring device in the resident's private space.

**Subd. 3. Retaliation against a resident.** Lists actions that constitute retaliation against a resident.

**Subd. 4. Retaliation against an employee.** Lists actions that constitute retaliation against an employee.

**Subd. 5. Rebuttable presumption of retaliation.** Paragraph (a) provides that there is a rebuttable presumption that the listed acts against residents and employees, if taken within 90 days of an initial action, constitute retaliation. Paragraphs (b) to (d) specify exceptions in which this presumption does not apply.

## Article 3: Housing with Services Establishments

Section	Description – Article 3: Housing with Services Establishments
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**1 Retaliation prohibited.**

Adds § 144G.07. Prohibits retaliation against residents and employees of housing with services establishments that use assisted living title protection.

**Subd. 1. Definitions.** Defines facility and resident for this section and section 144G.08.

**Subd. 2. Retaliation prohibited.** Prohibits a housing with services establishment using assisted living title protection from retaliating against a resident or employee if the resident, employee, or person acting in their behalf files a complaint, asserts a right, indicates an intention to file a complaint, files a maltreatment report, seeks help from or reports a crime to the housing with services establishment or others, seeks advocacy assistance, files a civil action, participates in an investigation, contracts with a service provider other than the housing with services establishment, or places an electronic monitoring device in the resident's private space.

**Subd. 3. Retaliation against a resident.** Lists actions that constitute retaliation against a resident.

**Subd. 4. Retaliation against an employee.** Lists actions that constitute retaliation against an employee.

**Section Description – Article 3: Housing with Services Establishments**

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**Subd. 5. Rebuttable presumption of retaliation.** Paragraph (a) provides that there is a rebuttable presumption that the listed acts against residents and employees, if taken within 90 days of an initial action, constitute retaliation. Paragraphs (b) to (d) specify exceptions in which this presumption does not apply.

**Subd. 6. Remedy.** Allows a resident who is a senior citizen or person with disabilities and is injured by a violation of this section to bring a civil action for damages.

**2 Deceptive marketing and business practices prohibited.**

Amends § 144G.08.

**Subd. 1. Prohibitions.** Prohibits an employee or agent of a housing with services establishment that uses assisted living title protection from making false, fraudulent, deceptive, or misleading statements, representations, or material omissions in marketing, advertising, or another description of care or services. Prohibits a housing with services contract from being deceptive, and prohibits a facility from advertising or representing that the facility has a dementia care unit without complying with the disclosure requirements for those units in other law.

**Subd. 2. Remedies.** Allows the attorney general to enforce this section by seeking an injunction in district court. Also allows a resident who is a senior citizen or person with disabilities and is injured by a violation of this section to bring a civil action for damages.

## **Article 4: Independent Senior Living Facilities**

This article prohibits deceptive marketing and business practices; establishes requirements for residency and services contracts; and establishes requirements for managers, fire protection and physical environment, and emergency planning.

**Section Description – Article 4: Independent Senior Living Facilities**

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**1 Definitions.**

Adds § 144K.01 Defines terms for chapter 144K: dementia, designated representative, facility, independent senior living facility, manager, residency and services contract or contract, related supportive services provider, resident, supportive services, and wellness check services.

**2 Deceptive marketing and business practices.**

Adds § 144K.02. Prohibits an employee or agent of an independent senior living facility from making false, fraudulent, deceptive, or misleading statements, representations, or

**Section Description – Article 4: Independent Senior Living Facilities**

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material omissions in marketing, advertising, or another description of care or services. Prohibits residency and services contracts from including a provision the facility knows to be deceptive, unlawful, or unenforceable. Prohibits a facility from advertising or representing that the facility is an assisted living facility or assisted living facility with dementia care.

**3 Required disclosure by facility.**  
Adds § 144K.025. Requires an independent senior living facility to disclose to prospective residents and residents that the facility is not licensed as an assisted living facility and is not permitted to provide assisted living services directly or through a provider affiliated with the independent senior living facility.

**4 Residency and services contract.**  
Adds § 144K.03. Requires a residency and services contract between an independent senior living facility and each resident, and establishes contract requirements.

**Subd. 1. Contract required.** Requires an independent senior living facility to execute written contracts with each resident and to operate within the terms of the contract. Requires the contract to contain all the terms of the provision of housing or services.

**Subd. 2. Contents of contract.** Lists elements that must be included in a residency and services contract.

**Subd. 3. Designation of representative.** Requires a facility to offer the resident a chance to designate a representative in the contract.

**Subd. 4. Contracts are consumer contracts.** Provides that residency and services contracts are consumer contracts governed by sections in chapter 325G.

**Subd. 5. Additions and amendments to contract.** Provides that a resident must agree in writing to additions or amendments to the contract.

**Subd. 6. Contracts in permanent files.** Requires contracts to be maintained in facility files from the date of execution until three years after the contract is terminated.

**Subd. 7. Waiver of liability prohibited.** Prohibits the contract from including a waiver of facility liability for the health, safety, or personal property of residents. Also prohibits provisions that are deceptive, unlawful, or unenforceable.

**Subd. 8. Contract restriction.** Prohibits independent senior living facilities from offering wellness check services.

Section	Description – Article 4: Independent Senior Living Facilities
5	<p><b>Termination of residency and services contract.</b> Adds § 144K.04.</p> <p><b>Subd. 1. Notice required.</b> Requires a facility to provide at least 30 days’ notice of a termination of a residency and services contract.</p> <p><b>Subd. 2. Content of notice.</b> Lists what the notice must contain.</p>
6	<p><b>Manager requirements.</b> Adds § 144K.05. Requires a manager of a facility to obtain at least 30 hours of continuing education every two years on topics relevant to the operation of the facility. Requires continuing education to include training on dementia, activities of daily living, challenging behaviors, and communications skills. Requires the facility to maintain records for at least three years demonstrating the manager is in compliance with the requirements of this section.</p>
7	<p><b>Fire protection and physical environment.</b> Adds § 144K.06. Requires a facility to have a comprehensive fire protection system, and lists what that system includes. Also requires fire drills to be conducted.</p>
8	<p><b>Emergency planning.</b> Adds § 144K.07.</p> <p><b>Subd. 1. Requirements.</b> Requires a facility to have and post an emergency disaster plan, provide emergency exit diagrams to all residents and post those diagrams, and have a written policy regarding missing residents.</p> <p><b>Subd. 2. Emergency and disaster training.</b> Requires a facility to provide staff with emergency and disaster training during initial orientation and annually thereafter.</p>
9	<p><b>Other laws.</b> Adds § 144K.08. Requires a facility to comply with landlord-tenant laws and maintain all required licenses and government approvals.</p>
10	<p><b>Enforcement.</b> Adds § 144K.09. Provides that a violation of chapter 144K constitutes a violation of section 325F.69, subdivision 1 (prohibiting fraud, misrepresentations, misleading statements, and deceptive practices in connection with the sale of objects, wares, goods, commodities, intangibles, real estate, loans, or services) and allows the attorney general to enforce this section by seeking injunctive relief. Also allows a resident of an independent senior living facility who is a senior or person with a disability and who is injured by a violation of this chapter to bring an action for damages and other equitable relief.</p>

## Article 5: Assisted Living Licensure

This article establishes a framework for the licensure of facilities that provide assisted living services by the commissioner of health. A facility that provides assisted living services must be licensed under the new chapter established in this section, chapter 144I, effective August 1, 2021. There are two categories of facilities subject to licensure:

- an assisted living facility, which provides housing and offers or provides basic care services and comprehensive assisted living services; and
- an assisted living facility with dementia care, which provides housing and offers or provides dementia care services along with basic care services and comprehensive care services, and which may have a secure dementia unit.

This article establishes requirements and procedures for licensure and licensure renewal; provides for denial, suspension, or revocation of licenses, injunctive relief, and fines and correction orders; requires surveys and inspections; establishes fees in blank amounts; prohibits transfers of licenses; establishes terms for management agreements; requires background studies; establishes requirements for facility business operations and administrators; requires resident evaluations and assessments; provides for staff supervision, support, and training, including dementia care training; establishes medication management and treatment and therapy management requirements; provides for recordkeeping and notices, information, and complaints; establishes physical plant requirements; permits innovation variances; establishes an advisory group; and authorizes expedited rulemaking.

Section	Description – Article 5: Assisted Living Licensure
1	<p><b>License, permit, and survey fees.</b></p> <p>Amends § 144.122. Establishes licensing fees for assisted living facilities and assisted living facilities with dementia care, at a blank base amount plus a blank amount per bed for each facility type.</p>
2	<p><b>Definitions.</b></p> <p>Adds § 144I.01. Defines terms for this chapter.</p> <p><b>Subd. 6. Assisted living facility.</b> Defines assisted living facility as a licensed facility that provides sleeping accommodations to one or more adults and provides basic care services and comprehensive assisted living services.</p> <p><b>Subd. 7. Assisted living services.</b> Defines assisted living services as basic care services and one or more of the listed services to address the health care needs of residents.</p> <p><b>Subd. 8. Assisted living facility with dementia care.</b> Defines assisted living facility with dementia care to mean a licensed assisted living facility that also provides dementia care services and that may have a secured dementia care unit.</p>

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**Subd. 10. Basic care services.** Defines basic care services as assistive tasks provided by licensed or unlicensed personnel that include assistance with activities of daily living, standby assistance, reminders to take medications, reminders to perform treatments and exercises, preparing modified diets, having and documenting a system to check on residents, and supportive services in addition to one of the other listed services.

**Subd. 17. Dementia care services.** Defines dementia care services as a form of long-term care designed to meet the specific needs of individuals with dementia.

**3 Assisted living facility license.**

Adds § 1441.02. Requires licensure of assisted living facilities, and establishes penalties for operating without a license.

**Subd. 1. License required.** Beginning August 1, 2021, prohibits operation of an assisted living facility unless it is licensed under this chapter.

**Subd. 2. Licensure categories.** Establishes two licensure categories: an assisted living category for assisted living facilities that provide basic care services and comprehensive assisted living services; and an assisted living facility with dementia care category for assisted living facilities that provide basic care services, comprehensive care services, and dementia care services.

**Subd. 3. Violations; penalty.** Makes operating a facility without a license a misdemeanor punishable by a fine imposed by the commissioner, and also makes a controlling individual of a facility operating without a license guilty of a misdemeanor. Provides that sanctions in this section do not restrict other available sanctions.

**4 Provisional license.**

Adds § 1441.03. Establishes requirements for provisional licenses for assisted living facilities.

**Subd. 1. Provisional license.** Beginning August 1, 2021, for new applicants, requires the commissioner to issue a provisional license, and makes provisional licenses valid for one year unless extended. Makes assisted living facilities subject to evaluation and approval of its physical environment and operational aspects before a change in ownership or capacity, or an addition of services that necessitates a change in physical environment.

**Subd. 2. Initial survey; licensure.** Requires the commissioner to survey the licensee during the provisional license period, after the provisional licensee has residents and is providing services. Requires the provisional licensee to notify the commissioner when it begins serving residents. Allows the commissioner to extend the provisional license in certain circumstances. Provides if the provisional licensee is in substantial compliance with the survey the

**Section**      **Description – Article 5: Assisted Living Licensure**

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commissioner shall issue a license, and specifies what happens if the provisional licensee is not in substantial compliance.

**Subd. 3. Reconsideration.** Allows a provisional licensee that disagrees with the commissioner’s conclusions in denying licensure or conditioning licensure, to request reconsideration. Specifies reconsideration procedures.

**Subd. 4. Continued operation.** Lists circumstances under which a provisional licensee whose license is denied may continue operating.

**Subd. 5. Requirements for notice and transfer.** Requires a provisional licensee whose license is denied to comply with the requirements for notification and transfer of residents.

**Subd. 6. Fines.** Establishes a fine of \$1,000 if a provisional licensee fails to comply with notification requirements when relocating a resident.

**5**      **Application for licensure.**

Adds § 1441.04. Establishes requirements for applications for licensure.

**Subd. 1. License applications.** Lists information that an applicant for licensure must provide to the commissioner in an application.

**Subd. 2. Agents.** Requires an application for licensure or license renewal to specify the individuals responsible for dealing with the commissioner regarding compliance with licensing requirements, and on whom personal service of notices and orders shall be made.

**Subd. 3. Fees.** Requires an applicant for initial licensure, license renewal, or filing a change of ownership to submit the required application fee, and establishes a penalty for late submission of a renewal application. Specifies where fees and fines are deposited, and annually appropriates money from fines to the commissioner to implement recommendations of the home care and assisted living advisory council.

**6**      **Transfer of license prohibited.**

Adds § 1441.05.

**Subd. 1. Transfers prohibited.** Prohibits a facility license from being transferred to another party.

**Subd. 2. New license required.** Requires a facility to obtain a new license before a transfer of ownership, if the current licensee’s legal organizational form or status changes, if the current licensee dissolves the business enterprise, if the current licensee consolidates or merges with another legal organization, if there is a transfer of 50 percent or more of the licensed entity, or if the licensee’s



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	<p>control of the facility is eliminated or withdrawn. Requires a licensee to provide at least 60 days' notice to the commissioner if the licensee changes.</p> <p><b>Subd. 3. Survey required.</b> Requires the commissioner to complete a survey within six months after a new license is issued.</p>
7	<p><b>Background studies.</b> Adds § 1441.06.</p> <p><b>Subd. 1. Background studies required.</b> Requires the commissioner to complete a background study on controlling individuals and managerial officials before issuing or renewing a license. Also requires background studies of employees, contractors, and volunteers at the facility.</p> <p><b>Subd. 2. Reconsideration.</b> Allows an individual who is disqualified to request reconsideration, and specifies the consequences if a disqualification is set aside, rescinded, or affirmed.</p> <p><b>Subd. 3. Data classification.</b> Classifies background study data as private data on individuals.</p> <p><b>Subd. 4. Termination in good faith.</b> Provides that an assisted living facility is not subject to civil liability or liability for unemployment benefits for terminating an employee in good faith reliance on background study information</p>
8	<p><b>License renewal.</b> Adds § 1441.07. Allows a license, other than a provisional license, to be renewed for up to one year upon submission of an application for renewal, required fees, information sufficient to show the applicant meets the requirements for licensure, and any other information required by the commissioner.</p>
9	<p><b>Notification of changes in information.</b> Adds § 1441.08. Requires a provisional licensee or licensee to notify the commissioner in writing before any financial or contractual change and within 60 days after any change in the information required in the application for licensure.</p>
10	<p><b>Consideration of applications.</b> Adds § 1441.09. Specifies what the commissioner must consider before issuing a provisional license, license, or license renewal. Lists grounds for the commissioner to deny, revoke, suspend, restrict, or refuse to renew a license. Requires a survey of a new licensee after a change in ownership within six months after the new license is issued.</p>

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**11**            **Minimum assisted living facility requirements.**

Adds § 144I.10.

**Subd. 1. Minimum requirements.** Lists required services, procedures, and rights for person-centered planning, a means for residents to request assistance, delegation of health care activities to unlicensed personnel, access to food, access to visitors, being able to choose a roommate, have a lockable door, staffing plans, availability of staff 24 hours a day to respond to requests, nutritious food, social and recreational activities, and reasonable assistance with transportation to appointments, shopping, and other recreation.

**Subd. 2. Policies and procedures.** Lists policies and procedures a facility must have.

**Subd. 3. Infection control program.** Requires a facility to maintain an infection control program.

**Subd. 4. Clinical nurse supervision.** Requires a facility to have a clinical nurse supervisor.

**Subd. 5. Resident and family or resident representative councils.** Requires a facility to support the establishment of resident, family, or resident representative councils, and provides for the support and operation of a council.

**Subd. 6. Resident grievances.** Requires a facility to post in a conspicuous place information about the facility's grievance procedure.

**Subd. 7. Protecting resident rights.** Requires a facility to provide information about how to contact consumer advocacy or legal services organizations.

**Subd. 8. Protection-related rights.** Lists rights for residents that are in addition to the assisted living bill of rights. Provides that certain rights may be restricted only if found necessary for health and safety reasons.

**Subd. 9. Payment for services under disability waivers.** Provides that for new facilities, home and community-based services are not available when the new facility is adjoining to or on the same property as an institution.

**Subd. 10. No discrimination based on source of payment.** Regardless of the source of payment, requires a facility to provide equal access to quality care and have identical policies and practices regarding residency, transfer, and provision and termination of services.

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12	<p data-bbox="354 275 1089 302"><b>Facility responsibilities; housing and service-related matters.</b></p> <p data-bbox="354 317 540 344">Adds § 144I.11.</p> <p data-bbox="453 386 1386 485"><b>Subd. 1. Responsibility for housing and services.</b> Provides that the facility is directly responsible to the resident for all housing and service-related matters, and specifies what these matters include.</p> <p data-bbox="453 527 1425 695"><b>Subd. 2. Uniform checklist disclosure of services.</b> Requires a prospective resident to be provided with a written checklist listing all services permitted under the facility’s license, identifying services the facility provides and services it does not provide, and an oral explanation of these services. Requires the commissioner to design this uniform checklist.</p> <p data-bbox="453 737 1425 940"><b>Subd. 3. Reservation of rights.</b> Provides that a resident is not required to use services in a facility, a facility is not prohibited from requiring a resident to pay for a package of services even if the resident does not use the services, a facility does not have to fundamentally alter the nature of the facility’s operation in order to accommodate a resident, and a facility has a duty to respond to requests for reasonable accommodations.</p>
13	<p data-bbox="354 995 786 1022"><b>Transfer of residents within facility.</b></p> <p data-bbox="354 1037 1398 1171">Adds § 144I.12. Requires a facility to provide for the safe, orderly, and appropriate transfer of residents within a facility. Requires 30 days’ notice to the resident of the transfer, and directs the facility to minimize the number of transfers that occur because of construction or a change in operations.</p>
14	<p data-bbox="354 1226 883 1253"><b>Facility responsibilities; business operation.</b></p> <p data-bbox="354 1268 540 1295">Adds § 144I.13.</p> <p data-bbox="453 1337 1370 1400"><b>Subd. 1. Display of license.</b> Requires the facility to display its original, current license at the facility’s main entrance.</p> <p data-bbox="453 1442 1425 1505"><b>Subd. 2. Quality management.</b> Requires the facility to engage in quality management activities, and specifies what quality management activities include.</p> <p data-bbox="453 1547 1386 1646"><b>Subd. 3. Facility restrictions.</b> Except in certain cases, prohibits a facility or staff person from accepting power of attorney, appointment as a guardian or conservator, or appointment as a resident representative.</p> <p data-bbox="453 1688 1386 1881"><b>Subd. 4. Handling resident’s finances and property.</b> Allows a facility to assist residents with housing budgeting, but otherwise prohibits a facility from managing a resident’s property. Requires a facility to provide residents with receipts or documentation for purchases. Prohibits the facility or a staff person from borrowing a resident’s funds or property. Allows acceptance of gifts of minimal value.</p>

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**Subd. 5. Reporting maltreatment of vulnerable adults; abuse prevention plan.**

Requires a facility to comply with requirements to report maltreatment of vulnerable adults, requires a procedure for ensuring cases of maltreatment are reported, and requires development of an individual abuse prevention plan for each vulnerable adult.

**Subd. 6. Reporting suspected crime and maltreatment.** Requires a facility to post certain information to help residents report suspected criminal activity or vulnerable adult maltreatment.

**Subd. 7. Employee records.** Requires a facility to maintain current records of each paid employee, volunteer, and individual contractor. Lists what the facility records for these persons must include.

**Subd. 8. Compliance officer.** Requires a facility to have a compliance officer.

15      **Facility responsibilities; staff.**

Adds § 144I.14.

**Subd. 1. Qualifications, training, and competency.** Requires staff to be trained and competent in the provision of services.

**Subd. 2. Licensed health professionals and nurses.** Requires licensed health professionals who are facility employees to be Minnesota-licensed, and competent in assessing resident needs, planning appropriate services, implementing services, and supervising staff.

**Subd. 3. Unlicensed personnel.** Lists required qualifications for unlicensed personnel.

**Subd. 4. Delegation of assisted living services.** Allows a registered nurse or licensed health professional to delegate tasks to staff who are competent and possess the required skills and knowledge to perform the task. Requires the facility to communicate current information to nurses or licensed health professionals regarding staff available and their competencies.

**Subd. 5. Temporary staff.** Requires temporary staff to meet the same requirements as facility employees.

**Subd. 6. Requirements for instructors, training content, and competency evaluations for unlicensed personnel.** Lists qualifications for instructors. Specifies what training and competency evaluations for unlicensed personnel must include. Requires a person delegating a task to ensure that the unlicensed personnel is trained to properly perform the task being delegated.

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**Subd. 7. Tuberculosis prevention and control.** Requires a facility to maintain a comprehensive tuberculosis prevention and control program.

**Subd. 8. Disaster planning and emergency preparedness plan.** Specifies requirements for having and posting information about emergency disaster plans, emergency exits, and procedures for missing residents. Requires emergency and disaster training for all staff during initial orientation and annually thereafter.

16      **Facility responsibilities with respect to residents.**

Adds § 144I.15.

**Subd. 1. Assisted living bill of rights; notification to resident.** Requires the facility to provide the resident and designated representative with a written notice of resident rights, a statement about how to file a complaint or report suspected maltreatment, and other contact information regarding complaints. Requires the facility to obtain written acknowledgment of the resident's receipt of this information.

**Subd. 2. Notices in plain language; language accommodations.** Requires a facility to provide notices in plain language and make reasonable accommodations for residents with communication disabilities or who speak languages other than English.

**Subd. 3. Notice of services for dementia, Alzheimer's disease, or related disorders.** Requires a facility that provides services to residents with dementia to provide a description of its employee training program.

**Subd. 4. Services oversight and information.** Requires a facility to provide a resident with information about who the resident can contact for assistance with health care or supportive services.

**Subd. 5. Notice to residents; change in ownership or management.** Requires a facility to notify a resident or designated representative of certain changes in facility ownership or management.

**Subd. 6. Acceptance of residents.** Prohibits a facility from accepting a person as a resident unless the facility has sufficient staff to adequately provide services agreed to in the service plan.

**Subd. 7. Referrals.** If a facility determines a resident needs additional services, requires the facility to consult with the resident and inform the resident of resources available to help the resident obtain additional services.

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**Subd. 8. Initiation of services.** If an initial assessment has not been completed when a facility initiates services, requires the facility to complete a temporary plan and agreement with the resident for services.

**Subd. 9. Initial assessments and monitoring.** Requires a facility to complete a nursing assessment and propose a temporary service plan before a prospective resident enters into a contract with the facility or the date the resident moves in, whichever is earlier. Requires a reassessment within 14 days after initiating services. Provides that residents receiving no services are not required to undergo an assessment. Requires the facility to provide information about long-term care consultation services.

**Subd. 10. Service plan, implementation, and revisions to service plan.** Requires a facility to finalize a service plan within 14 days after beginning to provide services. Establishes requirements for the service plan, and requires the facility to provide all services required by the current service plan. Requires the service plan to be entered into the resident's record, and requires staff providing services to be informed of the current service plan.

**Subd. 11. Use of restraints.** Requires residents to be free from any physical or chemical restraints, except if necessary for health and safety reasons identified in a resident assessment.

**Subd. 12. Request for discontinuation of life-sustaining treatment.** If a resident or certain others requests discontinuation of a life-sustaining treatment, requires a facility employee to inform a supervisor of the resident's request, and requires facility to inform the health care provider who ordered the treatment of the resident's request and to work with the resident and the health professional to comply with requirements in chapter 145C. Provides that this subdivision does not diminish the rights of residents to control their treatment and does not require a facility to discontinue treatment.

**Subd. 13. Medical cannabis.** Allows facilities to adopt reasonable restrictions on the use of medical cannabis by residents.

**Subd. 14. Landlord and tenant.** Requires facilities to comply with chapter 504B.

17      **Provision of services.**

Adds § 144I.16.

**Subd. 1. Availability of contact person to staff.** Requires assisted living facilities and assisted living facilities that provide dementia care to have a registered nurse available for consultation by staff performing delegated nursing tasks, and to have an appropriate licensed health professional available if performing other delegated services.

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**Subd. 2. Supervision of staff; basic care services.** Requires periodic supervision of staff performing basic care services. Specifies what constitutes supervision.

**Subd. 3. Supervision of staff performing delegated nursing or therapy tasks.** Requires staff performing delegated nursing or therapy tasks to be supervised by an appropriate licensed health professional or registered nurse, and requires direct supervision in certain circumstances.

**Subd. 4. Documentation.** Requires a facility to document supervision activities.

**18            Medication management.**

Adds § 144I.17.

**Subd. 1. Medication management services.** Requires an assisted living facility that provides medication management services to have medication management policies and procedures. Specifies requirements for development of these policies and procedures, and lists what these policies and procedures must address.

**Subd. 2. Provision of medication management services.** Requires a resident to be assessed before a facility provides medication management services, and specifies what the assessment must include.

**Subd. 3. Individualized medication monitoring and reassessment.** Requires a facility to monitor and reassess a resident at least annually and when a resident presents symptoms or issues that may be medication related.

**Subd. 4. Resident refusal.** Requires a facility to document in the resident's record a resident's refusal of an assessment for medication management.

**Subd. 5. Individualized medication management plan.** Requires a facility to include information on medication management services in the resident's service plan, requires the facility to maintain an individualized medication management record for each resident, and lists what this record must include.

**Subd. 6. Administration of medication.** Lists personnel who may administer medications.

**Subd. 7. Delegation of medication administration.** Establishes requirements for delegating medication administration to unlicensed personnel.

**Subd. 8. Documentation of administration of medications.** Requires medications that are administered to be documented in the resident's record, and lists what the documentation must include.

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**Subd. 9. Documentation of medication setup.** Lists the information that must be documented at the time of medication setup.

**Subd. 10. Medication management for residents who will be away from home.** Requires a facility to implement procedures to provide medications to residents during planned or unplanned time away from the facility. Lists what the procedures must include.

**Subd. 11. Prescribed and nonprescribed medication.** Directs a facility to determine whether the facility will require a prescription for all medications the facility manages, including over-the-counter drugs and dietary supplements.

**Subd. 12. Medications; over-the-counter drugs; dietary supplements not prescribed.** Requires a facility providing medication management for OTC drugs and dietary supplements to maintain those items in their original labeled containers and verify that the medications are up to date and appropriately stored.

**Subd. 13. Prescriptions.** Requires a prescription for each prescribed medication the facility is managing for the resident.

**Subd. 14. Renewal of prescriptions.** Requires a prescription to be renewed at least every 12 months or more frequently if indicated by a resident assessment.

**Subd. 15. Verbal prescription orders.** Requires verbal prescription orders to be received by a nurse or pharmacist and handled according to requirements for verbal prescription orders in Board of Pharmacy rules.

**Subd. 16. Written or electronic prescription.** Requires a written or electronic prescription to be communicated to the registered nurse in charge and placed in the resident's record.

**Subd. 17. Records confidential.** Requires prescriptions to be kept confidential.

**Subd. 18. Medications provided by resident or family member.** Requires staff to document in the resident's record any medications or dietary supplements that are being used by the resident but that are not included in the medication management assessment.

**Subd. 19. Storage of medications.** Requires medications to be stored in locked compartments.

**Subd. 20. Prescription drugs.** Requires prescription drugs to be kept in their original containers.

**Subd. 21. Prohibitions.** Prohibits a prescription drug supply for one resident from being used by anyone other than that resident.



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**Subd. 22. Disposition of medications.** Requires medications to be returned to the resident or representative when the service plan ends or when medication management services are no longer being provided. Establishes requirements for disposal of medications.

**Subd. 23. Loss or spillage.** Requires a facility providing medication management to implement procedures for loss or spillage of controlled substances.

**19            Treatment and therapy management services.**

Adds § 1441.18.

**Subd. 1. Treatment and therapy management services.** Provides that this section only applies to assisted living facilities providing comprehensive assisted living services.

**Subd. 2. Policies and procedures.** Requires a facility that provides treatment and therapy management services to maintain policies and procedures for these services, and specifies what the policies and procedures must include.

**Subd. 3. Individualized treatment or therapy management plan.** For each resident receiving treatment or therapy management, requires a facility to include in the resident's service plan a written statement of the treatment or therapy services that will be provided, and to maintain an individualized treatment and therapy management record for each resident. Lists what this record must include.

**Subd. 4. Administration of treatments and therapy.** Specifies who may administer therapies or treatments, and establishes requirements for delegating administration of treatments or therapies.

**Subd. 5. Documentation of administration of treatments and therapies.** Requires a facility to document administration of treatments and therapies in the resident's record, and lists what the documentation must include.

**Subd. 6. Treatment and therapy orders.** Requires there to be an order from an authorized prescriber for all treatments and therapies, and specifies what the order must include.

**Subd. 7. Right to outside service provider; other payors.** Provides that a resident is free to retain treatment and therapy services from an off-site service provider, and requires a facility to help residents obtain information about whether a public program will pay for these services.

**20            Resident record requirements.**

Adds § 1441.19.

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**Subd. 1. Resident record.** Requires a facility to maintain records for each resident for whom it provides services, and requires these records to be protected from loss, tampering, or unauthorized disclosure. Prohibits a facility from disclosing any personal, financial, or medical information except in the listed circumstances.

**Subd. 2. Access to records.** Requires a facility to ensure that the appropriate records are available to employees and contractors authorized to access the records and to the commissioner.

**Subd. 3. Contents of resident record.** Lists the information that must be included in a resident record.

**Subd. 4. Transfer of resident records.** Requires a facility to ensure there is a coordinated transfer of a resident's record if the resident transfers to another health care facility or provider.

**Subd. 5. Record retention.** Requires a facility to retain a resident record for at least five years following a resident's discharge or termination of services, or for another period of time if so required in state or federal law.

21      **Orientation and annual training requirements.**

Adds § 144I.20.

**Subd. 1. Orientation of staff and supervisors.** Requires staff and supervisors to complete a facility orientation before providing services to residents.

**Subd. 2. Content.** Lists required content for the orientation.

**Subd. 3. Verification and documentation of orientation.** Requires a facility to maintain documentation that staff completed the orientation.

**Subd. 4. Orientation to resident.** Requires staff providing services to be oriented specifically to each individual resident and their services.

**Subd. 5. Training required related to dementia.** Requires all direct care staff and supervisors providing direct services to receive training related to dementias, working with residents with challenging behaviors, and communicating with residents with dementia.

**Subd. 6. Required annual training.** Requires all staff that provide direct services to complete at least 8 hours of training annually. Lists topics the annual training must cover.

**Subd. 7. Documentation.** Requires a facility to maintain documentation in employee records that staff have satisfied the orientation and training requirements.

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**Subd. 8. Implementation.** Requires a facility to implement all orientation and training topics listed in this section.

**22 Training in dementia care required.**

Adds § 144I.21. Requires assisted living facilities and assisted living facilities providing dementia care to meet the listed training requirements for training on dementia topics. Supervisors must receive at least eight hours of training within 120 hours of beginning work and two hours annually thereafter. Direct care employees must receive at least eight hours of training within 160 hours of beginning work and two hours annually thereafter. Staff who do not provide direct care must receive at least four hours of training within 160 hours of beginning work at two hours annually thereafter.

**23 Controlling individual restrictions.**

Adds § 144I.22.

**Subd. 1. Restrictions.** Prohibits a facility from having any person as a controlling individual if that person was a controlling individual at a nursing home or facility that incurred specified numbers of uncorrected or repeated violations or was convicted of a felony or gross misdemeanor related to the operation of the nursing home or facility.

**Subd. 2. Exception.** Provides that the restrictions on controlling individuals in subdivision 1 do not apply to a controlling individual who had no legal authority to affect the operation of the nursing home or other facility.

**Subd. 3. Stay of adverse action required by controlling individual restrictions.** Instead of revoking, suspending, or refusing to renew a facility's license where a controlling individual was disqualified for incurring certain numbers of uncorrected or repeated violations, allows the commissioner to stay the revocation, suspension, or nonrenewal. Establishes procedures for issuing a stay, makes the controlling individual responsible for compliance with the conditions and restrictions in the stay, and specifies consequences for failure to comply with the conditions and restrictions in the stay.

**24 Management agreements; general requirements.**

Adds § 144I.23.

**Subd. 1. Notification.** If a licensee uses a manager, requires the facility to have a written management agreement consistent with this chapter. Specifies when the licensee must notify the commissioner of its use of a manager, and establishes timing requirements for submission of a management agreement to the commissioner.

**Subd. 2. Management agreement; licensee.** States that the licensee is legally responsible for daily operations and the provision of services, ensuring the

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facility is operated consistent with applicable laws, ensuring the manager acts in conformance with the management agreement, and ensuring that the manager does not present as the licensee. Prohibits a licensee from giving the manager responsibilities that relieve the licensee of responsibility for the facility's daily operations. Requires the licensee and manager to comply with the terms of the management agreement.

**Subd. 3. Terms of agreement.** Lists required elements of a management agreement.

**Subd. 4. Commissioner review.** Allows the commissioner to review management agreements at any time, and allows the department to require the provision of additional information, require changes to the agreement, or require the licensee to participate in monthly meetings and quarterly on-site visits.

**Subd. 5. Resident funds.** Describes duties of the licensee and the manager related to resident funds if the management agreement delegates day-to-day management of resident funds to the manager.

25      **Minimum site, physical environment and fire safety requirements.**

Adds § 144I.24.

**Subd. 1. Requirements.** Lists site requirements for facilities.

**Subd. 2. Fire protection and physical environment.** Requires facilities to have a comprehensive fire protection system and lists what that system must include. Also requires fire drills to be conducted.

**Subd. 3. Local laws apply.** Requires facilities to comply with state and local laws for fire safety, building, and zoning requirements.

**Subd. 4. Assisted living facilities; design.** Establishes minimum design standards for assisted living facilities that serve six or more residents.

**Subd. 5. Assisted living facilities; life safety code.** Requires an assisted living facility that serves six or more residents to comply with the specified life safety code.

**Subd. 6. Assisted living facilities with dementia care units; life safety code.** Requires an assisted living facility with dementia care units to comply with the specified life safety code.

**Subd. 7. New construction; plans.** For all new licensure and construction beginning on or after August 1, 2021, requires architectural and engineering plans and specifications, final plans and specifications, and final mechanical and electrical plans to be submitted to the commissioner. If construction is begun more than one year after approval of the plans, the drawings must be

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resubmitted to the commissioner. Requires the commissioner to be notified within 30 days before completion of construction so a final inspection may be arranged. Requires a set of life safety plans to be kept on file at the facility.

**Subd. 8. Variances or waivers.** Allows a facility to request a variance or waiver, and establishes a process for applications, review, revocation, denial, or refusal to renew a variance or waiver, and to contest a denial, revocation, or refusal to renew.

**26**            **Residency and services contract requirements.**

Adds § 144I.25.

**Subd. 1. Contract required.** Requires a facility to execute a written contract with a resident before providing housing or services to the resident. Specifies who must sign the contract, and establishes requirements for providing prospective residents with unsigned contracts and for providing residents with a copy of the signed contract. Requires a resident to be given the opportunity to identify a designated representative or resident representative.

**Subd. 2. Contents and contract; contact information.** Lists information a contract must contain.

**Subd. 3. Additional contract requirements.** Lists additional information a contract must include, and allows a restriction in one of these listed contract terms only if determined necessary for health and safety reasons.

**Subd. 4. Filing.** Requires the contract and related documents to be maintained by the facility in resident files and to be available on-site for inspection by the commissioner and the resident and designated representative.

**Subd. 5. Waivers of liability prohibited.** Prohibits a contract from including a waiver of facility liability for the health and safety or personal property of a resident. Also prohibits deceptive, unlawful, or unenforceable provisions.

**27**            **Planned closures.**

Adds § 144I.27.

**Subd. 1. Closure plan required.** If a facility voluntarily chooses to close, requires the facility to notify the commissioner and the office of ombudsman for long-term care.

**Subd. 2. Content of closure plan.** Lists what a facility's closure plan must include.

**Subd. 3. Commissioner's approval required prior to implementation.** Makes the facility's closure plan subject to the commissioner's approval and subdivision 6.

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**Subd. 4. Termination planning and final accounting requirements.** Before termination of housing, requires the facility to follow termination planning requirements and final accounting and return requirements, and requires the facility to implement the plan approved by the commissioner.

**Subd. 5. Notice to residents.** After the commissioner has approved a relocation plan, requires the facility to notify residents and representatives of the closure.

**Subd. 6. Emergency closures.** If a facility is closing because the commissioner decides it can no longer remain open, requires the facility to meet the requirements of this section unless a requirement would endanger resident health or safety.

**Subd. 7. Other rights.** Provides that this section and related sections do not affect the rights or remedies available to residents under chapter 504B, unless those rights or remedies are inconsistent with those in this section.

**Subd. 8. Fine.** Allows the commissioner to impose a fine for failing to follow the requirements of this section or related sections.

**28**            **Relocations within assisted living location.**

Adds § 144I.28.

**Subd. 1. Notice required before relocation within location.** Requires a facility to give prior notice and obtain resident consent before a proposed nonemergency relocation to a different room at the same location. If a resident consents, requires the facility to make needed modifications to the resident's new room.

**Subd. 2. Evaluation.** Requires a facility to evaluate the resident before deciding whether the resident will be moved.

**Subd. 3. Restriction on relocation.** Prohibits a resident who has been private pay and resides in a private room but whose payments will be made by MA going forward, from being relocated to a shared room without the resident's consent.

**29**            **Commissioner oversight and authority.**

Adds § 144I.29.

**Subd. 1. Regulations.** Lists aspects of facilities regulated by the commissioner.

**Subd. 2. Regulatory functions.** Lists the commissioner's duties related to licensing, surveying, monitoring, investigating, and taking enforcement actions.

**30**            **Surveys and investigations.**

Adds § 144I.30.

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**Subd. 1. Regulatory powers.** Names the department of health as the state agency responsible for surveying and investigating facilities and enforcing this chapter. Requires the commissioner to be given access to relevant information and records to discharge the commissioner's responsibilities.

**Subd. 2. Surveys.** Requires the commissioner to survey each facility at least once a year or more frequently if needed.

**Subd. 3. Follow-up surveys.** Describes circumstances and procedures for follow-up surveys.

**Subd. 4. Scheduling surveys.** Requires surveys to be conducted without notice, except allows a surveyor to contact the facility the day of the survey to ensure someone is onsite.

**Subd. 5. Information provided by facility.** Requires a facility to provide accurate, truthful information to the department during a survey, investigation, or other activity.

**Subd. 6. Providing resident records.** Upon request, requires a facility to provide a list of current and past residents and designated representatives and their contact information.

**Subd. 7. Correction orders.** Specifies circumstances in which a correction order may be issued.

**Subd. 8. Required follow-up surveys.** For facilities with a level 3 or 4 violation, requires a follow-up survey within 90 days of the initial survey.

**31**      **Violations and fines.**

Adds § 144I.31.

**Subd. 1. Fine amounts.** Lists fine amounts for Level 1, Level 2, Level 3, and Level 4 violations, and for maltreatment violations.

**Subd. 2. Level and scope of violation.** Provides that correction orders are categorized by both level and scope of the violation.

**Subd. 3. Notice of noncompliance.** If the facility has not corrected violations by a specified date, requires the commissioner to provide a notice of noncompliance with a correction order.

**Subd. 4. Immediate fine; payment.** Allows the commissioner to issue an immediate fine for every violation, in addition to any other enforcement mechanism. Requires the facility to notify the commissioner when the violation is corrected.

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**Subd. 5. Facility cannot avoid payment.** Prohibits a facility from avoiding payment of a fine by closing, selling, or transferring its license.

**Subd. 6. Additional penalties.** Allows the commissioner to assess an additional penalty amount based on the costs of the investigation that resulted in assessment of a fine.

**Subd. 7. Deposit of fines.** Provides that fines collected under this section must be credited to a separate account in the state government special revenue fund and, subject to appropriation, be used for special projects to improve home care in Minnesota.

**32**              **Reconsideration of correction orders and fines.**

Adds § 144I.31.

**Subd. 1. Reconsideration process required.** Requires the commissioner to make a correction order reconsideration process available to the facility. If a facility requests reconsideration, stays the correction order during the process.

**Subd. 2. Reconsideration process.** Specifies what the commissioner must do to reconsider a correction order.

**Subd. 3. Findings.** Lists findings that a reconsideration process may issue.

**Subd. 4. Updating the correction order website.** If correction order findings are changed by the commissioner, requires the commissioner to update the correction order website.

**Subd. 5. Provisional licensees.** Provides that the reconsideration process is not available to provisional licensees.

**33**              **Enforcement**

Adds § 144I.33.

**Subd. 1. Conditions.** Allows the commissioner to deny an application for licensure or provisional licensure, refuse to renew a license, refuse to issue a license due to a change in ownership, suspend or revoke a license, or impose conditions on the license if the applicant, owner, controlling individual, or employee committed one of the listed acts.

**Subd. 2. Terms to suspension or conditional license.** Allows a suspension or conditional license to include terms that must be met before the suspension or designation is lifted. Lists terms that may be included.

**Subd. 3. Immediate temporary suspension.** Allows the commissioner to immediately temporarily suspend a license or prohibit delivery of housing or



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services for up to 90 days, or issue a conditional license, if there are Level 4 violations or violations that pose an imminent risk of harm to the health or safety of residents.

**Subd. 4. Mandatory revocation.** Requires the commissioner to revoke a license if a controlling individual is convicted of a felony or gross misdemeanor that relates to the operation of the facility or directly affects resident safety or care.

**Subd. 5. Mandatory proceedings.** Requires the commissioner to initiate proceedings within 60 days of notification to suspend or revoke a facility license, or refuse to renew a facility license if the listed events occurred in the preceding two years.

**Subd. 6. Notice to residents.** Requires a controlling individual or designee to provide the commissioner and the ombudsman with the names and addresses of residents and their representatives, if a facility's license is being suspended, revoked, or not renewed. Also requires the controlling individual to provide updated information each month until the proceeding is concluded, and establishes penalties for failing to provide required information. Within ten business days after initiating proceedings to revoke, suspend, or refuse to renew a license, requires the commissioner to send notice of this action to facility residents and their representatives.

**Subd. 7. Notice to facility.** Before a suspension, revocation, or refusal to renew a license, gives a facility a right to notice and a hearing under chapter 14. Provides for temporary suspensions for Level 3 or 4 violations.

**Subd. 8. Request for hearing.** Establishes a time frame for a licensee to request a hearing, and establishes requirements that the request must meet.

**Subd. 9. Plan required.** Requires a process of suspending, revoking, or refusing to renew a license to include a plan for transferring affected residents to other providers. Lists information a facility must provide the commissioner and others within three days of being notified of a final revocation. Requires the facility to cooperate with the commissioner and others while transferring residents to qualified providers. Allows a facility to continue to operate while residents are being transferred to other providers.

**Subd. 10. Hearing.** Requires the commissioner to request a hearing within 15 business days of receiving a licensee's appeal of a sanction, and establishes requirements for these hearings. Also specifies circumstances in which the commissioner must immediately temporarily suspend the license while an appeal is pending.

**Subd. 11. Expedited hearing.** Requires the commissioner to request assignment of an administrative law judge within five business days of a licensee's appeal of a temporary suspension or issuance of a conditional license, and establishes

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requirements for these hearings. Prohibits a licensee from operating pending a commissioner’s final order if the order issued by the administrative law judge affirms an immediate suspension. Requires a licensee whose license is temporarily suspended to comply with requirements to notify residents and requirements to transfer residents.

**Subd. 12. Time limits for appeals.** Requires a facility to request a hearing within 15 business days after receiving notice of an action against a license.

**Subd. 13. Owners and managerial officials; refusal to grant license.** Prohibits an owner or managerial official whose facility license has been revoked or not renewed, from being granted an assisted living facility license. Also prohibits the commissioner from issuing or renewing a license, or requires a license to be suspended or revoked, if an owner or managerial official was affiliated with a facility whose licensed was not renewed or revoked in the past five years. Establishes requirements for notice and issuance of stays.

**Subd. 14. Relicensing.** Allows the commissioner to consider a new application for licensure from an applicant whose license was revoked, if the conditions on which the revocation were based have been corrected.

**Subd. 15. Informal conference.** Allows the commissioner and an applicant or facility to hold an informal conference at any time.

**Subd. 16. Injunctive relief.** Allows the commissioner to bring an action for injunctive relief in district court. Allows the court to grant a temporary restraining order if a person’s acts would create an imminent risk of harm to a resident.

**Subd. 17. Subpoena.** Allows the commissioner to issue subpoenas and compel attendance of witnesses and the production of necessary documents or evidentiary materials. Provides for serving and enforcement of subpoenas.

34      **Innovation variance.**

Adds § 144.34. Defines innovation variance for this section, and allows an innovation variance to be granted to allow a facility to offer services that are innovative, will not adversely affect the health, safety, or welfare of residents, or change any resident rights. Allows the commissioner to impose conditions on granting an innovation variance and to limit the duration of an innovation variance. Lists what an application for an innovation variance must include, and specifies a timeline for granting or denying an innovation variance. Allows the commissioner to deny or revoke an innovation variance in the listed circumstances.

35      **Resident quality of care and outcomes improvement task force.**

Adds § 144.35. Directs the commissioner to establish a resident quality of care and outcomes improvement task force. Lists membership on the task force, and allows public members to be reimbursed. Directs the task force to periodically provide

Section	Description – Article 5: Assisted Living Licensure
	recommendations on changes needed to promote safety and quality improvement practices in long-term care settings.
36	<b>Expedited rulemaking authorized.</b> Adds § 144I.36. Directs the commissioner to adopt rules for assisted living facilities using the expedited rulemaking process. Lists items that must be addressed in the rules.
37	<b>Transition period.</b> Provides a timeline for adopting rules, preparing to license facilities, requiring existing housing with services establishments that provide home care services to convert their registrations to assisted living licensure, and licensing new assisted living facilities.
38	<b>Repealer.</b> Repeals chapter 144D (housing with services establishments) and chapter 144G (assisted living title protection) effective August 1, 2021.

## Article 6: Dementia Care Services for Assisted Living Facilities with Dementia Care

This article establishes specific requirements for assisted living facilities with dementia care.

Section	Description - Article 6: Dementia Care Services for Assisted Living Facilities
1	<b>Additional requirements for assisted living facilities with dementia care.</b> Adds § 144I.37.  <b>Subd. 1. Applicability.</b> Provides this section applies only to assisted living facilities with dementia care.  <b>Subd. 2. Demonstrated capacity.</b> Requires an applicant to provide services in compliance with this section, and lists criteria for the commissioner to consider in determining whether the applicant can do so. If the applicant does not have experience managing residents with dementia, requires the applicant to employ a consultant for at least the first six months of operation. Requires the commissioner to conduct an on-site inspection before issuing a license.  <b>Subd. 3. Relinquishing license.</b> Requires the facility to notify the commissioner at least 60 days before voluntarily relinquishing its license. Requires notice to residents, submission of a transitional plan, changes to service or care plans, notification to the commissioner when the process is completed, and changes to

**Section Description - Article 6: Dementia Care Services for Assisted Living Facilities**

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advertising materials and disclosure information to remove references to the facility being an assisted living facility with dementia care.

**2 Responsibilities of administration for assisted living facilities with dementia care.**

Adds § 144I.38.

**Subd. 1. General.** Makes a licensee responsible for the care and housing of people with dementia and the provision of person-centered care.

**Subd. 2. Additional requirements.** Requires an administrator to complete ten hours of required annual continuing education requirements related to the care of individuals with dementia.

**Subd. 3. Policies.** Requires an assisted living facility with dementia care to develop and implement policies related to caring for people with dementia, including how services are provided, evaluating behaviors, wandering and egress prevention, assessment of residents for the use of medications, staff training, life enrichment and family support programs, transportation, and safekeeping of resident possessions.

**3 Staffing and staff training.**

Adds § 144I.39.

**Subd. 1. General.** Requires a facility to use staff trained according to this section to provide services to residents with dementia, except in emergencies, and requires staffing to be sufficient to meet scheduled and unscheduled needs of residents.

**Subd. 2. Staffing requirements.** Requires a facility to ensure that staff who care for residents with dementia have a basic understanding of residents' emotional and health care needs, and who have satisfied training requirements developed in rule.

**Subd. 3. Supervising staff training.** Requires persons overseeing or training staff to have experience caring for individuals with dementia.

**Subd. 4. Preservice and in-service training.** Allows training to include various methods of instruction and to have a method to determine and document staff understanding of the training provided.

**4 Services for residents with dementia.**

Adds § 144I.40. In addition to minimum services, requires an assisted living facility with dementia care to provide assistance with activities of daily living that address the needs of residents with dementia, health care services, a daily meal program and hydration available during waking hours, and meaningful activities. Requires an evaluation of each

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Section	Description - Article 6: Dementia Care Services for Assisted Living Facilities
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resident's interests, abilities, skills, emotional and social needs, physical abilities and limitations, and needed adaptations. Requires an individualized activity plan to be developed for each resident, and requires a selection of daily activities to be provided. Requires an evaluation of behavioral symptoms with negative impacts, and requires access to secure outdoor space to be provided.

## Article 7: Administrator Qualifications

This article renames the Board of Examiners for Nursing Home Administrators as the Board of Executives for Long Term Services and Supports, authorizes the board to issue a health services executive license, moves the board's existing fees from rules to statute, and establishes fees for health services executive initial licensure.

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Section	Description – Article 7: Administrator Qualifications
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| 1 | <p><b>Administrators.</b></p> <p>Amends § 144A.04, subd. 5. Changes the name of the board that licenses nursing home administrators to the Board of Executives for Long Term Services and Supports. Strikes obsolete language.</p>   |
| 2 | <p><b>Criteria.</b></p> <p>Amends § 144A.20, subd. 1. Makes changes to conform with the board's new name, and makes other technical changes.</p>   |
| 3 | <p><b>Duties of the board.</b></p> <p>Amends § 144A.24. Strikes language requiring courses required for license renewal to be designed solely to improve professional skills and to not exceed 50 hours of classroom attendance per year.</p>  |
| 4 | <p><b>Reciprocity with other states and equivalence of health services executive.</b></p> <p>Amends § 144A.26. Allows the board to issue a health services executive license and specifies that to obtain this license a person must have been validated by a national organization as a health services executive and must meet minimum qualifications of a nursing home administrator, assisted living administrator, and home and community-based service provider.</p> |
| 5 | <p><b>Fees.</b></p> <p>Adds § 144A.291. Moves the board's existing fees from Minnesota Rules, part 6400.6970 to this section, and adds fees for initial licensure as a health services executive.</p>  |

Section	Description – Article 7: Administrator Qualifications
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6	<p><b>Revisor instruction.</b></p> <p>Directs the revisor of statutes to change the board’s name from Board of Examiners for Nursing Home Administrators to Board of Executives for Long Term Services and Supports where it appears in statute.</p>
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## Article 8: Assisted Living Licensure Conforming Changes

Section	Description – Article 8: Assisted Living Licensure Changes
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1	<p><b>Data classification; public data.</b></p> <p>Amends § 144.051, subd. 4. Makes a public data classification that applies to home care provider data held by the commissioner of health, also apply to assisted living licensure data held by the commissioner of health.</p>
2	<p><b>Data classification; confidential data.</b></p> <p>Amends § 144.051, subd. 5. Makes a confidential data classification that applies to home care provider data held by the commissioner of health, also apply to assisted living licensure data held by the commissioner of health.</p>
3	<p><b>Release of private or confidential data.</b></p> <p>Amends § 144.051, subd. 6. Makes a section specifying when the commissioner may release private or confidential home care provider data held by the commissioner of health, also apply to private or confidential assisted living licensure data held by the commissioner of health.</p>
4	<p><b>Background studies required.</b></p> <p>Amends § 144.057, subd. 1. Includes employees of assisted living facilities and assisted living facilities with dementia care, the Department of Health background study statute that governs other employees of health facilities or providers licensed by the commissioner.</p>
5	<p><b>Statement of rights.</b></p> <p>Amends § 144A.44, subd. 1. Paragraph (a) amends the home care bill of rights to make it apply to clients who receive home care services in a licensed assisted living facility, modifies existing rights, and gives clients the right to place an electronic monitoring device in the client’s space in compliance with state law.</p> <p>Paragraph (b) provides that a provider who violates a right is subject to fines and licensing action.</p>

Section	Description – Article 8: Assisted Living Licensure Changes
	<p>Paragraph (c) requires providers to take the listed steps to help clients exercise their rights.</p>
	<p>Paragraph (d) prohibits a provider from requiring or asking a client to waive any rights listed in this subdivision.</p>
6	<p><b>Comprehensive home care license provider.</b> Amends § 144A.471, subd. 7. Adds treatment and therapists to the list of services provided by a provider with a comprehensive home care license.</p>
7	<p><b>Exclusions from home care licensure.</b> Amends § 144A.471, subd. 9. Strikes clauses that allow the following without a home care provider license: an employee of a nursing home, boarding care home, or home care provider may respond to occasional emergency calls from individuals in a residential setting attached to or next to the nursing home, boarding care home, or home care services location; and an employee of a nursing home, boarding care home, or home care provider may provide occasional minor services for free to individuals in a residential setting attached to or next to the nursing home, boarding care home, or home care services location.</p>
8	<p><b>Fees; application, change of ownership, renewal, and failure to notify.</b> Amends § 144A.472, subd. 7. Adds a penalty of \$1,000 for a home care provider with a temporary license that fails to notify the commissioner of health within five days after it begins providing services to clients. Requires fines collected under this subdivision to be deposited in a special revenue account and appropriated to the commissioner to implement recommendations of the home care provider advisory council.</p>
9	<p><b>Follow-up survey.</b> Amends § 144A.474, subd. 9. Strikes language prohibiting the commissioner from imposing a fine for a violation identified in a follow-up survey.</p>
10	<p><b>Fines.</b> Amends § 144A.474, subd. 11. Provides that home care provider fines imposed under this subdivision may be imposed immediately without giving the provider an opportunity to correct the violation. Increases fine amounts for Level 2, Level 3, and Level 4 violations, and establishes fine amounts for maltreatment violations. For every violation, requires the commissioner to issue an immediate fine, and requires the provider to correct the violation within the required time frame. Allows for appeals of immediate fines. Directs fines collected under this subdivision to be deposited in a dedicated special revenue account and annually appropriates that money to the commissioner to implement recommendations of the home care provider advisory council.</p>

Section	Description – Article 8: Assisted Living Licensure Changes
11	<p><b>Expedited hearing.</b></p> <p>Amends § 144A.475, subd. 3b. Adds a cross-reference to Minnesota Rules governing an expedited administrative hearing of a home care provider’s appeal of a temporary license suspension or issuance of a conditional license.</p>
12	<p><b>Plan required.</b></p> <p>Amends § 144A.475, subd. 5. If the commissioner refuses to renew a home care provider license, requires the process of nonrenewal to include a plan for the provider to transfer the care of affected clients to other providers. If the provider does not comply with notice requirements to clients, requires the commissioner to notify clients that the provider’s license is subject to an enforcement action. Also allows lead agencies, county adult protection and county managers, and the Office of Ombudsman for Long-Term Care to provide this information.</p>
13	<p><b>Prior criminal convictions; owners and managerial officials.</b></p> <p>Amends § 144A.476, subd. 1. Requires a background study of owners and managerial officials before the commissioner issues a home care provider license as a result of an approved change in ownership.</p>
14	<p><b>Termination of service plan.</b></p> <p>Amends § 144A.4791. Requires a home care provider to give 30 days’ written notice when terminating a service plan with a client.</p>
15	<p><b>Department of health licensed home care provider advisory council.</b></p> <p>Amends § 144A.4799. Allows persons who have received home care services within five years of applying, to serve on the home care provider advisory council, and adds a member of a county health and human services department or adult protection office beginning July 1, 2021. In the advisory council’s duties, directs the advisory council to provide recommendations on ways to improve protection of the public under existing law and to recommend projects to improve resident lives, support providers in providing quality care, and help providers improve their compliance with state law.</p>
16	<p><b>Supportive housing.</b></p> <p>Amends § 256I.03, subd. 15. Amends the definition of supportive housing in chapter 256I (housing supports).</p>
17	<p><b>License required; staffing qualifications.</b></p> <p>Amends § 256I.04, subd. 2a. Updates a cross-reference from chapter 144D to chapter 144I for facilities eligible to receive housing support under this chapter, and modifies language allowing certain facilities exempt from state licensure to receive housing support.</p>



Section	Description – Article 8: Assisted Living Licensure Changes
18	<p><b>Person to whom disclosure is required.</b> Amends § 325F.72, subd. 1. Makes disclosure requirements of a facility’s care for persons with dementia apply to assisted living facilities with dementia care, rather than housing with services establishments that provide special programs or units for residents with Alzheimer’s disease or a related disorder (to conform with establishment of licensure for assisted living facilities with dementia care).</p>
19	<p><b>Content.</b> Amends § 325F.72, subd. 2. In the list of information that an assisted living facility with dementia care must disclose, replaces the term “special care unit” with “dementia care unit” and clarifies that residents must be given a written notice of changes in the fee schedule 30 calendar days before a change.</p>
20	<p><b>Facility.</b> Amends § 626.5572, subd. 6. Amends the definition of facility for the maltreatment of vulnerable adults act to include assisted living facilities licensed under chapter 144I. This makes the requirements for facilities in the maltreatment of vulnerable adults act apply to assisted living facilities.</p>
21	<p><b>Repealer.</b> Paragraph (a) repeals section 144A.472, subdivision 4 (requiring multiple units of a home care provider to be separately licensed if they cannot share supervision and administration from a main office).  Paragraph (b) repeals sections 144A.441 (assisted living bill of rights addendum) and 144A.442 (service termination for assisted living clients).</p>

## Article 9: Appropriations

This article appropriates money to the commissioner of human services and the commissioner of health to implement resident rights and consumer protections and licensure of assisted living facilities and assisted living facilities with dementia care.



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