

Subject Requirements for settings exempt from assisted living facility licensure

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Overview

This bill establishes requirements for certain settings exempt from licensure as an assisted living facility, specifies that any facility or setting that holds itself out as an assisted living facility or memory care facility is an assisted living facility, and modifies provisions in the assisted living facility statutes.

Summary

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1	Assisted living facility.
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Amends § 144G.08, subd. 7. Amends the definition of assisted living facility in chapter 144G, to specify any facility or setting, however funded, that markets or holds itself out as assisted living, an assisted living facility, assisted living facility with dementia care, memory care, or a memory care facility, is an assisted living facility.

Effective date: This section is effective January 1, 2025.

2	Content of notice of termination.
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Amends § 144G.52, subd. 8. Specifies an assisted living facility that is subject to state or federal program requirements must include in its notice of termination of an assisted living contract any information required under the applicable state or federal program.

Effective date: This section is effective January 1, 2025.

3	Determination; content of order.
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Amends § 144G.54, subd. 5. Provides an order following an appeal of an assisted living contract termination must not include conditions on the assisted living facility resident's continued residency or receipt of services if such content is prohibited by applicable state or federal funding requirements or contracts.

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Effective date: This section is effective January 1, 2025.

4 **Application of chapter 504B to appeals of terminations.**

Amends § 144G.54, subd. 7. Specifies residents of certain facilities, settings, or developments that are marketed or represented as an assisted living facility or a memory care facility retain the rights and protections that apply to these facilities, settings, or developments. Provides if one of these facilities, settings, or developments prevails in an appeal of a termination of housing, it may bring an eviction action under chapter 504B and the resident has the claims and defenses available under chapter 504B.

Effective date: This section is effective January 1, 2025.

5 **Long-term care facility.**

Amends § 256.9741, subd. 1. Updates a cross-reference to certain settings exempt from licensure as an assisted living facility.

Effective date: This section is effective January 1, 2025.

6 **Customized living services provider requirements.**

Amends § 256S.20, subd. 1. Updates cross-references to certain settings exempt from licensure as an assisted living facility.

Effective date: This section is effective January 1, 2025.

7 **Definitions.**

Amends § 256S.205, subd. 1. Updates a cross-reference to certain settings exempt from licensure as an assisted living facility.

Effective date: This section is effective January 1, 2025.

8 **Definitions.**

Amends § 325F.722, subd. 1. Adds definitions for the following terms to a section governing settings that are exempt from licensure as an assisted living facility: contract for housing, contract for services, exempt setting housing provider, exempt setting services provider, and provider.

Effective date: This section is effective January 1, 2025.

9 **Scope.**

Adds subd. 1a to § 325F.722. Provides this section applies only to residents who receive both housing and services in an exempt setting.

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Effective date: This section is effective January 1, 2025.

10 Contract for housing and contract for services.

Adds subd. 2a to § 325F.722. Requires exempt setting housing providers and exempt setting services providers to execute written contracts for housing and written contracts for services with residents receiving housing or services, or with their representatives. Lists elements that must be included in each contract or in the supporting documents or attachments. Lists additional elements that must be included in a contract for housing, and allows restrictions of these rights only if needed for health and safety reasons as determined by a home care provider's registered nurse. Requires a provider to maintain all contracts and related documents in the provider's files from the date of execution until three years after the contract is terminated.

Effective date: This section is effective January 1, 2025.

11 Restrictions.

Adds subd. 2b to § 325F.722. Prohibits an exempt setting housing provider, exempt setting services provider, or its employees, contractors, agents, or volunteers, from acting as an attorney in fact for a resident, being appointed a guardian or conservator, borrowing or converting for personal use a resident's funds or property, or serving as a resident's representative.

Effective date: This section is effective January 1, 2025.

12 Termination of contract for services.

Amends § 325F.722, subd. 3. Requires an exempt setting services provider to comply with a statute and rule governing assisted living contract terminations. (These provisions establish steps a setting must take before issuing a notice of termination, allow a setting to initiate a termination due to nonpayment of rent or nonpayment for services or for violating the contract, allow a setting to initiate an expedited termination, require a setting to provide notice of termination, establish requirements for emergency relocations, and require a setting to allow the resident to return in certain circumstances.)

Effective date: This section is effective January 1, 2025.

13 Termination of contract for housing.

Adds subd. 3a to § 325F.722. Establishes requirements for an exempt setting housing provider to terminate a contract for housing. Before terminating a contract for housing, requires a provider to schedule and conduct a pretermination meeting, and requires a termination notice to comply with the requirements for termination notices that apply to terminations of assisted living contracts. Provides a resident has

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a right to appeal a termination. Allows an exempt setting housing provider that prevails in an appeal to bring an eviction action under chapter 504B, and provides the resident has the claims and defenses available under chapter 504B.

Effective date: This section is effective January 1, 2025.

14 **Nonrenewal of housing.**

Adds subd. 3b to § 325F.722. Provides an exempt setting housing provider that declines to renew a resident's housing under a contract for housing must comply with an assisted living facility statute and rule governing nonrenewal of the housing by an assisted living facility. (These provisions require the facility to either provide 60 days' notice of the nonrenewal and provide assistance with relocation or follow the termination procedure, and allow a resident to choose to move to a location the resident chooses or receive services from a provider the resident chooses.)

Effective date: This section is effective January 1, 2025.

15 **Coordinated moves.**

Adds subd. 3c to § 325F.722. Requires an exempt setting to follow requirements in an assisted living facility statute and rule for a coordinated move of residents if the resident chooses to leave the exempt setting without appeal, an exempt setting housing provider prevails on an appeal or in an eviction action, an exempt setting services provider terminates a contract for services or reduces services to the extent the resident needs to move or obtain a new services provider, or an exempt setting housing provider conducts a planned closure. (These provisions establish procedures for a coordinated move, require the move to be to a safe location, require the setting to establish a relocation plan, and prohibit residents from being required to waive these rights for any reason.) If the resident receives services from an exempt setting services provider that is different from the exempt setting housing provider, requires the providers to coordinate compliance with certain requirements for coordinated moves before the provider acts on a contract termination or acts to execute an eviction.

Effective date: This section is effective January 1, 2025.

16 **Other laws.**

Amends § 325F.722, subd. 8. Provides an exempt setting's compliance with chapter 504B is subject to the requirements in subdivision 3a on terminations of contracts for housing.

Effective date: This section is effective January 1, 2025.

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17	<p>Planned closure.</p> <p>Adds subd. 10 to § 325F.722. Requires an exempt setting to comply with requirements in assisted living facility statutes if it chooses to voluntarily close the setting. (These provisions require the setting to have a closure plan, submit the closure plan to the listed ombudspersons, follow certain termination requirements, and provide notice to residents.)</p> <p>Effective date: This section is effective January 1, 2025.</p>
18	<p>Retaliation prohibited.</p> <p>Adds subd. 11 to § 325F.722. Requires exempt setting housing providers and exempt setting services providers to comply with a section in the assisted living statutes prohibiting retaliation against residents, employees, and persons acting on behalf of a resident, for certain acts.</p> <p>Effective date: This section is effective January 1, 2025.</p>
19	<p>Notice of legal and advocacy services.</p> <p>Adds subd. 12 to § 325F.722. Requires exempt setting housing providers and exempt setting services providers to comply with a section in the assisted living statutes that requires the provision to residents of the name and contact information for certain ombudspersons and nonprofit organizations that provide advocacy or legal services to residents.</p> <p>Effective date: This section is effective January 1, 2025.</p>
20	<p>Repealer.</p> <p>Repeals the following provisions, effective January 1, 2025:</p> <ul style="list-style-type: none">▪ Section 325F.722, subd. 2 (establishing requirements for contracts between an exempt setting and a resident or resident’s representative)▪ Section 325F.722, subd. 9 (requiring a state agency to make a good faith effort to resolve disputes with an exempt setting before taking additional enforcement actions, and providing there is no private right of action)



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