



Assisted Living Licensure

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Agenda

- Background of Assisted Living Licensure
- Timeline for Assisted Living Licensure
- What is Changing?
- How Does This Change Impact the Person?
- Consumer Protection and Assisted Living Licensure
- Resources to Help the Case Manager

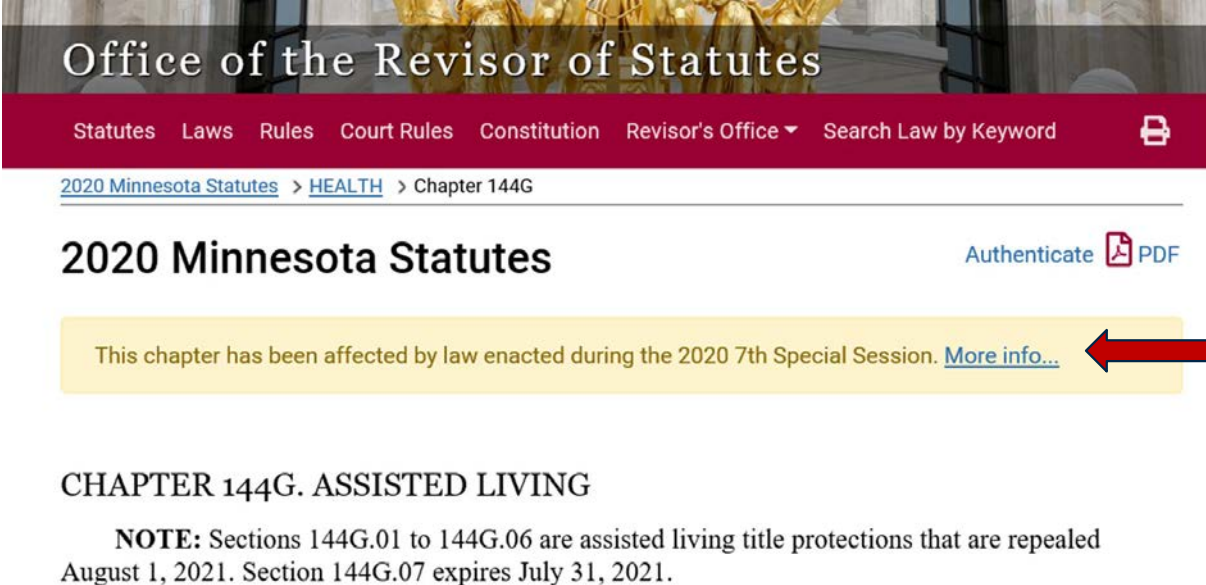


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Background of Assisted Living Licensure

Background

The 2019 Minnesota Legislature enacted a law creating new licensing requirements for assisted living in Minnesota. The new Assisted Living Licensure laws can be found here: [2020 Minnesota Statutes Chapter 144G. Assisted Living](#)



The screenshot shows the website of the Office of the Revisor of Statutes. The header includes navigation links for Statutes, Laws, Rules, Court Rules, Constitution, Revisor's Office, and a search bar. The breadcrumb trail is [2020 Minnesota Statutes](#) > [HEALTH](#) > Chapter 144G. The main heading is "2020 Minnesota Statutes" with an "Authenticate PDF" link. A yellow warning box contains the text: "This chapter has been affected by law enacted during the 2020 7th Special Session. [More info...](#)". A red arrow points to the "More info..." link. Below the warning box, the text reads "CHAPTER 144G. ASSISTED LIVING" followed by a "NOTE: Sections 144G.01 to 144G.06 are assisted living title protections that are repealed August 1, 2021. Section 144G.07 expires July 31, 2021."

Benefits of Assisted Living Licensure

- Single license and assisted living contract
- Physical environment requirements & fire safety
- Enhanced Bill of Rights and protections for people
- Licensing of Assisted Living Directors
- Facility responsibilities and requirements
- Surveys, investigations, and enforcement



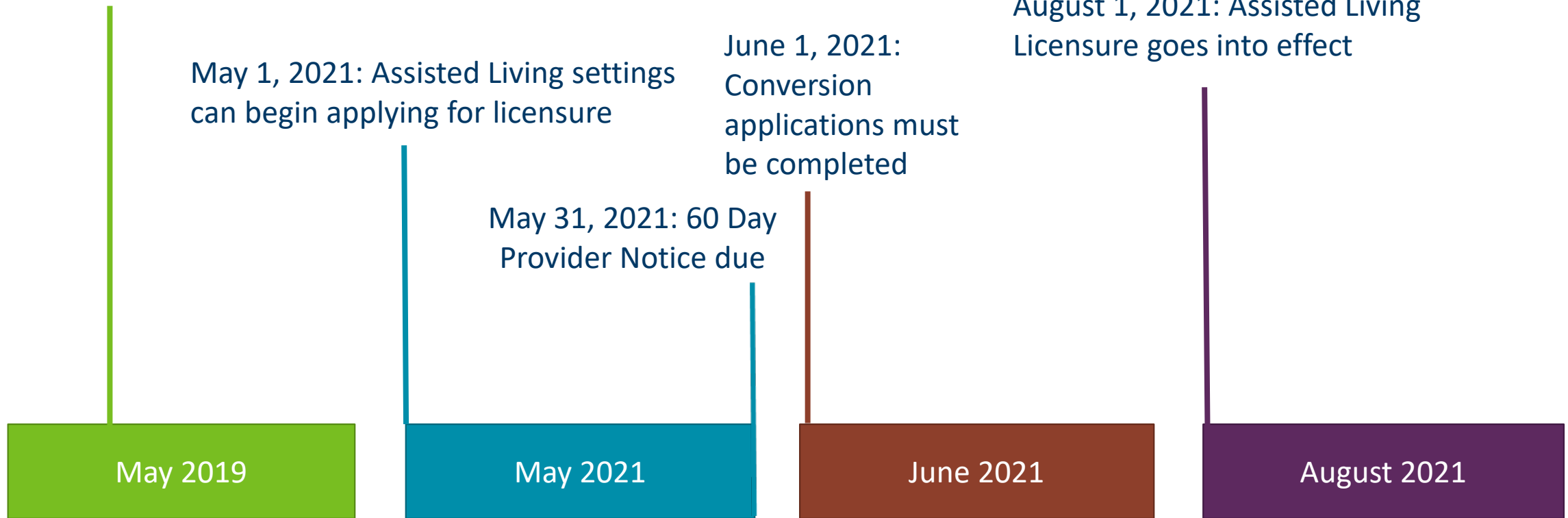


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Timeline for Assisted Living Licensure

Assisted Living Licensure

Assisted Living Licensure law passed



May 31, 2021: Notice of and Planning for Discharge or Closures

Provider **must** give notice of their decision to close or terminate services.

- This notice must be provided to people at least **60 days** before the expiration of the provider's license or by **May 31, 2021**, whichever one occurs earlier.
- This is to provide people enough time to locate a different service provider that can meet their needs.
- Housing with Services Establishment Registration- No Intention to Convert Registration
- Current Comprehensive Home Care Providers- Discontinuation of Home Care Services

June 1, 2021: Conversion Applications Must be Completed

- Any current Customized Living provider who wishes to transition their license over to the new Assisted Living License (Conversion License Application) must have their application complete by June 1, 2021.
- Any application received after June 1, 2021 will be considered a brand new provider (Provisional License Application).
- [MDH's Assisted Living Licensure webpage](#)



August 01, 2021 Effective Date



- Assisted Living Licensure goes into effect **Aug. 1, 2021**
- This will impact the Customized Living provider's ability to provide Customized Living services.
 - This includes Customized Living services with or without 24 hour supervision.
- This affects all people on the Elderly Waiver (EW), Brain Injury (BI) and Community Access for Disability Inclusion (CADI) waivers.



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What is Changing?

What an assisted living facility WAS vs. WILL BE

- What it WAS
 - Housing with Services
 - Home Care
- What it WILL BE
 - Under the new law, all will be licensed as Assisted Living facilities
 - Some settings are exempt



Customized living provider standards

- To deliver customized living services or 24-hour customized living services on or after Aug. 1, 2021, a provider must:
 1. be licensed as an assisted living facility or assisted living facility with dementia care under chapter 144G; **or**
 2. be licensed as a comprehensive home care provider under [Minnesota Statutes, chapter 144A](#) and be delivering services in certain types of settings exempt from licensure defined under section [144G.08, subdivision 7.](#)

Customized living provider standards – Exempt from ALF

- At this time, the Department of Human Services (DHS) anticipates that the Minnesota Legislature will pass language during the 2021 legislative session to allow for providers to deliver customized living services without the new assisted living facility license if:
 1. they are licensed as a comprehensive home care provider under Minnesota Statutes, chapter 144A, **and**
 2. are delivering services in certain types of settings exempt from licensure in section [144G.08, subdivision 7.](#)



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How Does This Change Impact the Person?

Provider gets licensed



- Person is able to remain in the setting and receive customized living services
- There would be no impact to the services a person receives.
- Lead agency does not need to conduct a reassessment
- Provider numbers *might* change

Provider gets licensed: Service Authorizations

- If the provider number remains the same then the lead agency can continue the customized living line item on the person's SA.
- If the provider is delivering customized living services at the person's setting under a new provider number, the provider must notify the lead agency of this change.
- The lead agency will need to make changes to the person's customized living service line items on the service agreement. DHS will provide further written instructions.
- Claims with incorrect provider numbers will be denied for payment after August 1, 2021.

Provider does not get licensed, remains landlord

- The person and their case manager should receive a “Notice of and Planning for Discharge or Closures” from their Home Care provider and/or Housing with Services provider, on or before May 31, 2021.
- The person and their case manager should discuss if the person will continue to live in that setting and choose a different provider for waiver services.
 - Customized Living cannot be provided in this setting. Another waiver service would need to be provided.



Provider does not get licensed, person decides to move



- The person and their case manager should receive a “Notice of and Planning for Discharge or Closures” from their Home Care provider and/or Housing with Services provider, on or before May 31, 2021.
- The person and their case manager will need to discuss:
 - Where they would like to live
 - What type of services/support they would need in their new living arrangement
 - Complete My Move Plan Summary

Case Manager service planning with the person

- Person-centered approach
- Talk to the person about their wants and needs regarding housing
 - [Supporting My Move: A Case Manager's Role](#)
- Unique plan for every unique person

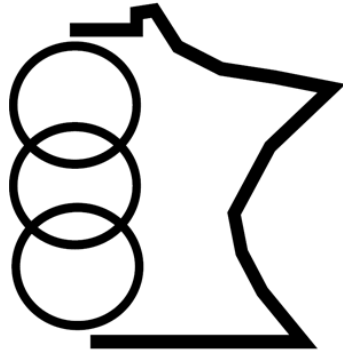




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Consumer Protections and Assisted Living Licensure

Maisie Blaine, Ombudsman Specialist

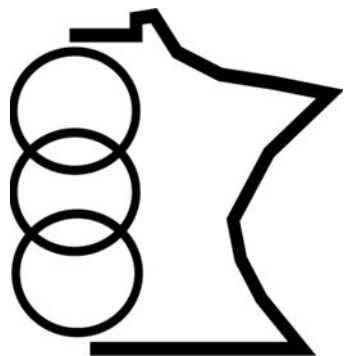


OFFICE OF OMBUDSMAN FOR LONG-TERM CARE

Maisie Blaine, Ombudsman Specialist
Office of Ombudsman for Long-Term Care

Three Words:

1. Educate
and
2. Empower
consumers to
3. Advocate
for
themselves.



Ombudsman Mission Statement

*To empower, educate, and advocate
alongside Minnesotans who are
receiving long-term care services and
supports to ensure their rights are
upheld.*

144G Establishes Strong Consumer Protections

The new license establishes strong consumer protections for assisted living residents:

- Requires facilities to sit down and meet with residents before issuing a notice of termination of housing and services, and to collaborate with the resident in identifying reasonable accommodations to avoid the termination;
- Prohibits retaliation by a facility for an assisted living resident or family member who asserts their rights under the law;
- Allows a resident to appeal a termination;

Strong Consumer Protections cont..

The new license establishes strong consumer protections for assisted living residents:

- Requires facilities to coordinate a resident's relocation to a safe location and appropriate service provider;
- Requires a clinical nurse supervisor on staff; and
- Requires facilities to always have sufficient staffing to meet the scheduled and reasonably foreseeable unscheduled needs of each resident 24 hours a day.

Rights Related to License Type

Assisted Living License

- May provide care to those with dementia if they can meet needs
- You may have to move if your needs exceed the new license type *Notice requirements apply
- You have a right to receive advanced notice of any changes in services

Assisted Living with Dementia Care

- May have secured dementia care unit
- Must provide specialized dementia care services
- Staff must have specialized training in dementia care
- You have a right to receive advanced notice of any changes in services

My Housing with Services Provider is closing...

My housing provider is closing, what do I need to know?

- You may have to move.
- If you receive home and community-based services, your case manager must be notified.
- You have a choice in where you go and what services you choose to receive from your next provider.
- You have a right to a coordinated transfer if you receive assisted living services.

My HWS Provider is closing...I must be notified

- Provider must give advance written notice (**no later than May 31, 2021**) of its intent to no longer provider home care/assisted living services.
- Notice must include:
 - the date when the HWS provider will no longer provide housing with services;
 - the name, date, e-mail address, and phone number of a person connected to the HWS establishment whom you can contact to discuss the notice;
 - the contact information to the Office of Ombudsman for Long-Term Care and Office of Ombudsman for Mental Health and Developmental Disabilities;

My HWS Provider is closing...my rights as a Tenant

You have rights as a tenant under MN Landlord Tenant Law:

- You cannot be forcibly removed/evicted;
- Your landlord cannot retaliate against you for your good faith effort to enforce your rights as a tenant; or
- Your landlord cannot physically lock you out from your rental unit or otherwise prevent you from living there without a court order.

My Housing Provider is transitioning...

**My housing provider is transitioning to the new assisted living license.
How does this affect me?**

- You have the right to advanced notice if the services provided to you are being reduced, limited or changed.
- You have the right to advanced notice if the cost you pay for services will change or if the provider will no longer accept certain payment types.

The following links provide other important rights that could apply:

- [Addendum to 2020 Home Care, Assisted Living and Housing with Services Laws
\(\[www.health.state.mn.us/facilities/regulation/homecare/docs/providers/alldecchanges.pdf\]\(http://www.health.state.mn.us/facilities/regulation/homecare/docs/providers/alldecchanges.pdf\)\)](http://www.health.state.mn.us/facilities/regulation/homecare/docs/providers/alldecchanges.pdf)
- [144A.44 Home Care Bill of Rights
\(\[www.revisor.mn.gov/statutes/cite/144A.44\]\(http://www.revisor.mn.gov/statutes/cite/144A.44\)\)](http://www.revisor.mn.gov/statutes/cite/144A.44)
- [144A.441 Assisted Living Bill of Rights Addendum
\(\[www.revisor.mn.gov/statutes/cite/144A.441\]\(http://www.revisor.mn.gov/statutes/cite/144A.441\)\)](http://www.revisor.mn.gov/statutes/cite/144A.441)
- [144A.442 Assisted Living Clients; Service Termination
\(\[www.revisor.mn.gov/statutes/cite/144A.442\]\(http://www.revisor.mn.gov/statutes/cite/144A.442\)\)](http://www.revisor.mn.gov/statutes/cite/144A.442)

Rights Related to Assisted Living Licensure

What happens during the transition time?

- If your housing provider is transitioning to the new license, your care and services should not be disrupted
- You continue to have the right to receive care and services in the manner promised in your service plan.
- You continue to have the right to have trained and competent staff provide your care

My facility is changing their services and/or cost, how does this affect me?

- You have the right to receive advanced notice of any changes in service provided or changes to the cost of service provided
- You have a right to receive advanced notice if your payer type is no longer being accepted

What if I don't receive notice by May 31, 2021?

- You may not be required to receive notice if your housing provider is pursuing the new license and not changing services, cost, or accepted payment type.
- A notice of change in services, cost or accepted payment type may not need to be 60 days in duration.
- Contact your housing manager or facility leadership to find out if they intend to pursue the license or change services.
- If you still have questions:
 - Contact the Office of Ombudsman for Long-Term Care
 - Contact the MN Department of Health

What if I live in a Public Housing Setting?

- Some facilities operated by the Housing and Urban Development (HUD) and/or the Federal Housing Administration (FHA) can continue to provide housing and services to its residents and are not required under the law to obtain the new assisted living facility license.
- Contact your housing manager and ask them if the facility will be applying for the new assisted living license.
- If you still have questions, please call the Office of Ombudsman for Long-Term Care.

Contact Information

Maisie Blaine, Ombudsman Specialist

Maisie.blaine@state.mn.us

(651) 431-8842

OOLTC Intake Line 651-431-2555 or 1-800-675-3591

Answered 8-4:30, Monday - Friday

Office of Ombudsman for Long-Term Care

A Free and Confidential Service of the MN Board on Aging

Website: <https://mn.gov/board-on-aging/>; **Email:** MBA.OOLTC@state.mn.us



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Resources to Help the Case Manager

Assisted Living Facility Licensure Toolkit



Report Abuse

Report Fraud

Search

How do I

People we serve Partners and providers General public Media

Home > Partners and providers > News, initiatives, reports, work groups > Long-term services and supports

Partners and providers

- Program overviews
- Policies and procedures
- eDocs library of forms and documents
- News, initiatives, reports, work groups
- Training and conferences
- Contact us
- Grants and RFPs
- Licensing
- IT systems and supports

Assisted living facility licensure law toolkit for lead agencies

Understanding the law and how to help people who receive customized living services if their provider no longer delivers services

The Minnesota Legislature passed the assisted living licensure law in Minnesota Statutes, chapter 144G. The law, which takes effect Aug. 1, 2021, established regulatory standards for assisted living facilities with dementia care to help ensure residents. The law also authorized the Minnesota health care commissioner to promote person-centered planning and service delivery and to protect, resident choice is allowed and public health and safety.

To learn more about the assisted living facility license requirements, see DHS's webpage, [New License Required for Assisted Living Licensure](#).

To learn more about customized living provider requirements, see DHS's webpage, [New License Required for Customized Living Services](#).

customized living services. The purpose of this toolkit is to provide information and resources to lead agencies when they are supporting a person whose provider will no longer deliver customized living services.

Lead agency role

Case manager resources

Helpful links

Contact us | How to get support

Lead agency role

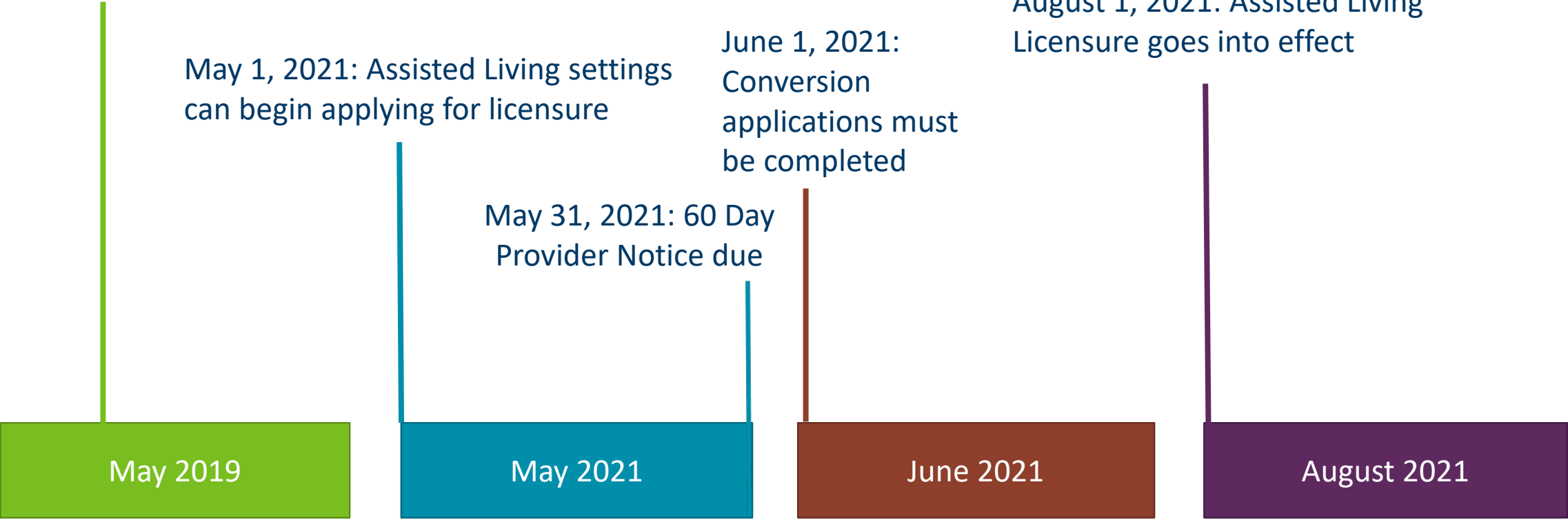
Lead agency discussions

It is important for lead agencies to talk with their local customized living providers to understand which providers will transition their license and continue providing customized living services and which providers plan to discontinue the service. Having clear communication with providers will allow lead agencies to work

Link to toolkit

Assisted Living Licensure Timeline

Assisted Living Licensure law passed



Contact information

- For questions about the assisted living **licensure requirements**, contact Minnesota Department of Health (MDH) Assisted Living Licensure at health.assistedliving@state.mn.us or 651-539-3049.
- For questions about new **provider standards** for customized living providers, contact the AASD division at dhs.aasd.hcbs@state.mn.us or the DSD division at DSD.WaiverPolicy@state.mn.us
- Questions about **enrollment** for customized living service providers, contact the MHCP Provider Call Center at 651-431-2700 or 800-366-5411.

Questions?

Thank You!