




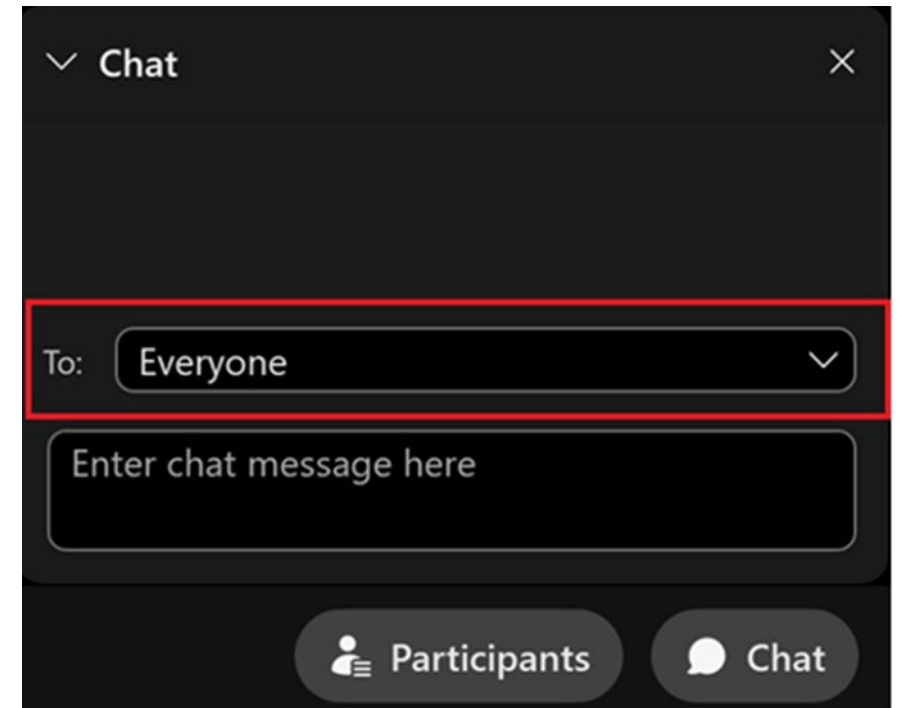
Assisted Living Licensure: A Year in Review

Assisted Living Licensure Survey & Investigation WebEx Fall Series
September 28, 2022

- Welcome and Housekeeping
 - Daphne Ponds
- Assisted Living: First Year in Review
 - Daphne Ponds
- What Are Surveyors Finding on Survey?
 - Amy Hyers
- Q & A
 - Amy & Daphne
- Closing
 - Daphne Ponds

How to Ask a Question

- **Participants are muted.**
- **To ask a question** Click on the chat bubble  Chat ... to open the chat, select Everyone, and ask a question. Please note that questions sent to panelists directly will not be answered as individual chat boxes are not checked.
- **We will answer** as many questions as we can at the end of the presentation.
- **Please be respectful.**



History of ALL Implementation

July 1, 2019

Begin Rulemaking
Immediate & increased HC & maltreatment fines
Maltreatment compensation fund
Prioritize enforcement in HC
Hire staff to develop process & training

August 1, 2019

Revisions to HC Bill of Rights
Retaliation prohibited

January 1, 2020

Electronic monitoring in HWS
Rule published for comment (12-31-2019)

July 1, 2020

Quality of Care & Outcomes Improvement Task Force
Hire and train staff
Train existing and potential providers
Assisted Living Director license

December 31, 2020

Rule published & final

August 1, 2021

All existing HWS must convert to ALL
All new providers must have ALL
I'm okay unlicensed sleeping accommodations 55+

The Great Conversion of 2021

**1973 converted
to AL**



**1300 - 1500
expected**

**55% retained HC
license**



20% expected





You don't say...it's been a year (and more)!

ALL First Year: License Data

As of August 1, 2021:

1,973 licensed AL providers with a total capacity of **58,795** residents.

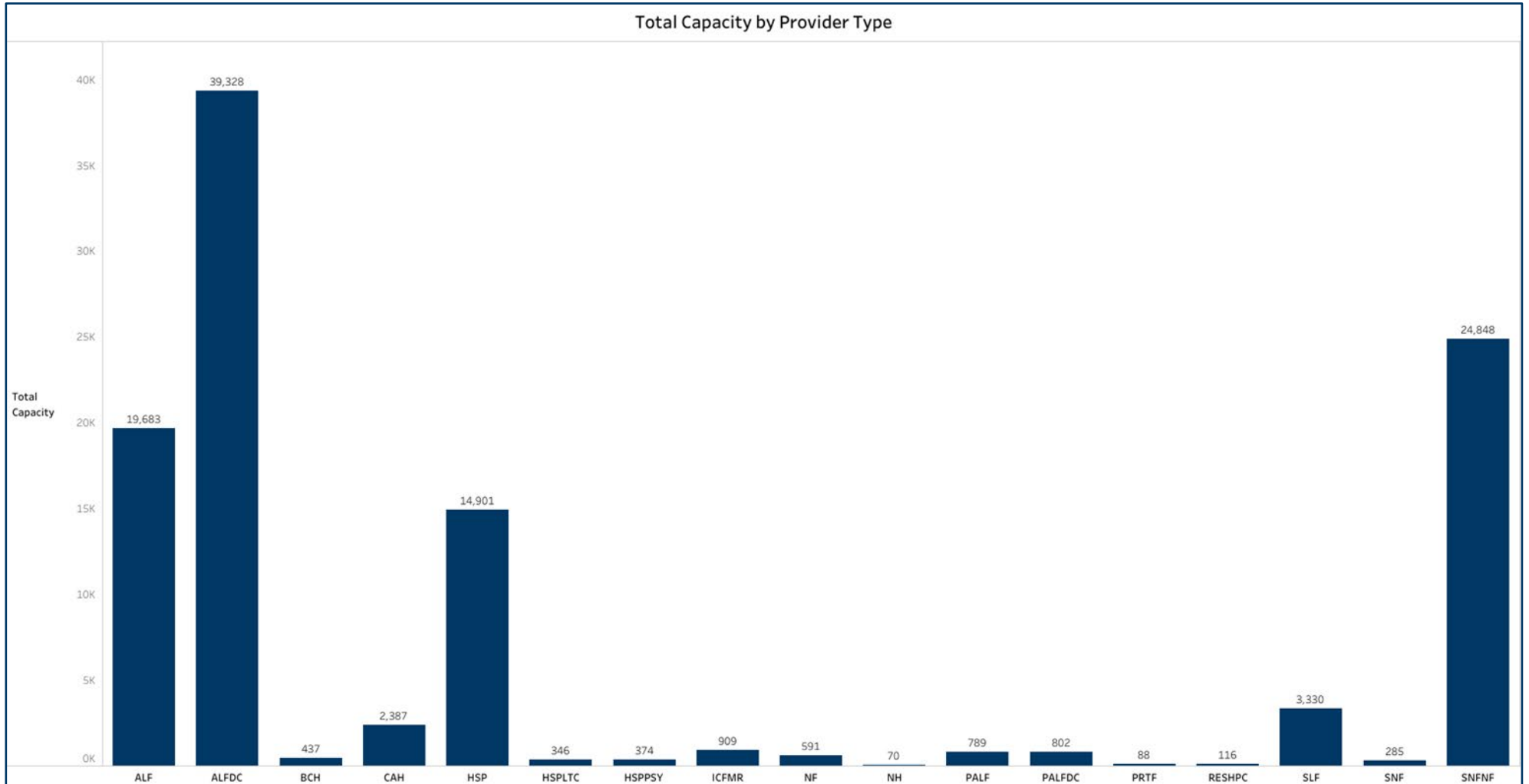
As of August 1, 2022:

2,094 licensed AL providers with a total capacity of **60,556** residents



Assisted Living by Capacity

ALFDC = 39,328
SNFNF = 24,848
ALF = 19,683
HSP = 14,901
SLF = 3,330
CAH = 2,387



ALL First Year: Survey Data

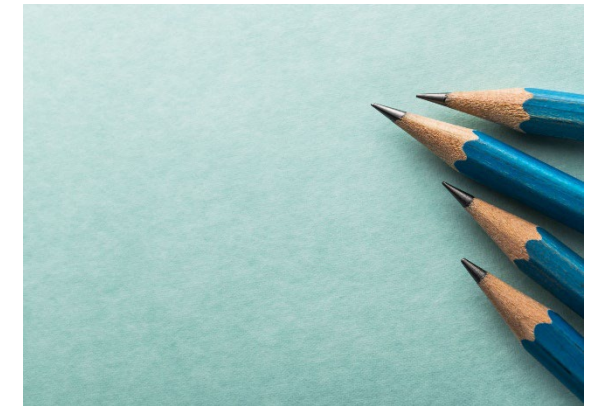
407 Assisted Living Surveys Completed

Includes 30 Change of Ownership (CHOW) and 18 initial (Provisional) surveys

8,212 Licensing Orders Issued

ALF = 4,529

ALFDC = 3,683



Average Number of Correction Orders per Survey = 14.6

Average Number of Correction Orders per Follow-Up Survey = 3.4

ALL First Year: Top Ten ALF Correction Orders

Rank	Tag Number	Correction Order	Count
1	810	Fire Protection and Physical Environment	257
2	480	Minimum Requirements	256
3	680	Disaster planning and emergency preparedness	216
4	780	Fire Protection and Physical Environment	164
5	800	Fire Protection and Physical Environment	155
6	470	Minimum Requirements	151
7	510	Infection Control Program	144
8	660	Tuberculosis Infection Control	139
9	550	Resident Grievances; Reporting Maltreatment	137
10	1620	Initial Review, Assessments, Monitoring	128

ALL First Year: Top Ten ALFDC Correction Orders

Rank	Tag Number	Correction Order	Count
1	810	Fire Protection and Physical Environment	155
2	480	Minimum Requirements	149
3	2040	Fire Protection and Physical Environment	143
4	680	Disaster Planning and Emergency Preparedness	127
5	800	Fire Protection and Physical Environment	98
6	1620	Initial Reviews, Assessments, and Monitoring	97
7	1940	Individualized Treatment and Therapy Management	97
8	510	Infection Control Program	95
9	1890	Prescription Drugs	92
10	2310	Appropriate Care and Services	90

ALL First Year: Correction Orders & Fines

68 % of Correction Orders were issued within 30 days

Over 30 days were issued on average of 35 days

191 Fines Issued

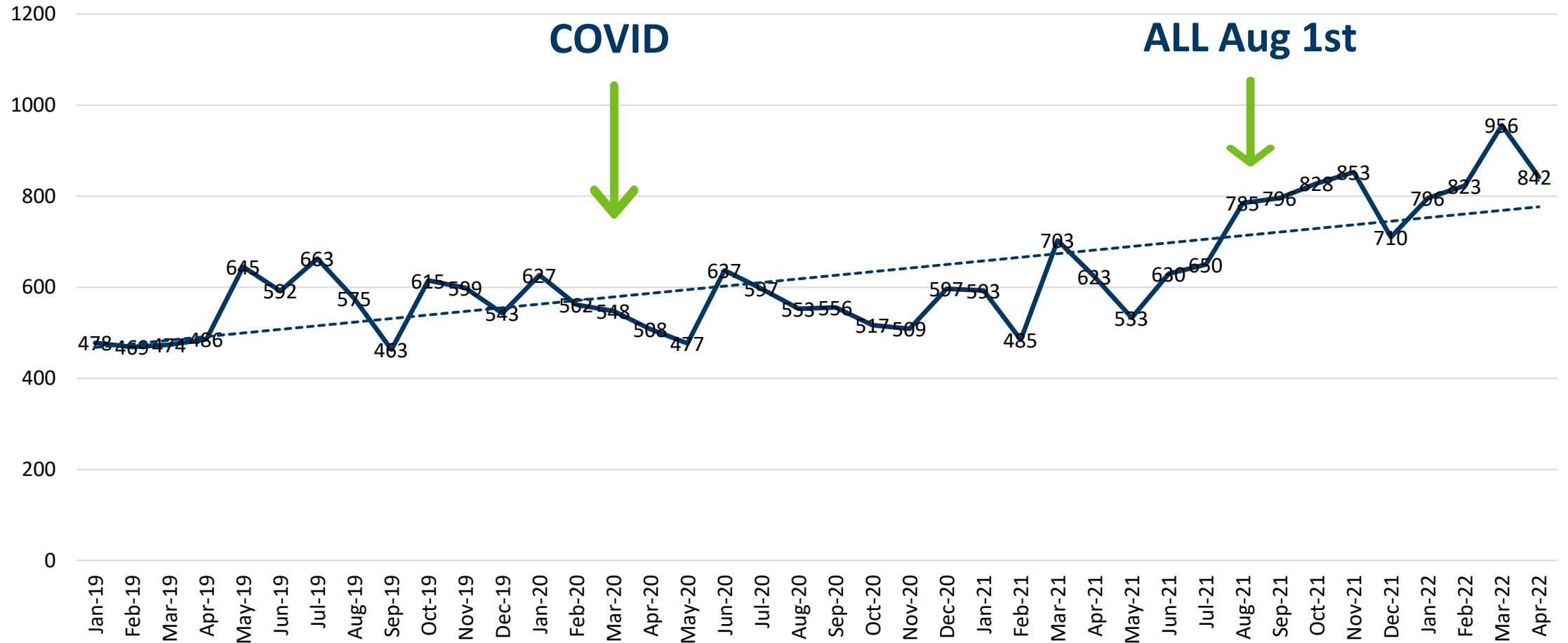
Level 2 = 105 fines issued

Level 3 = 86 fines issued



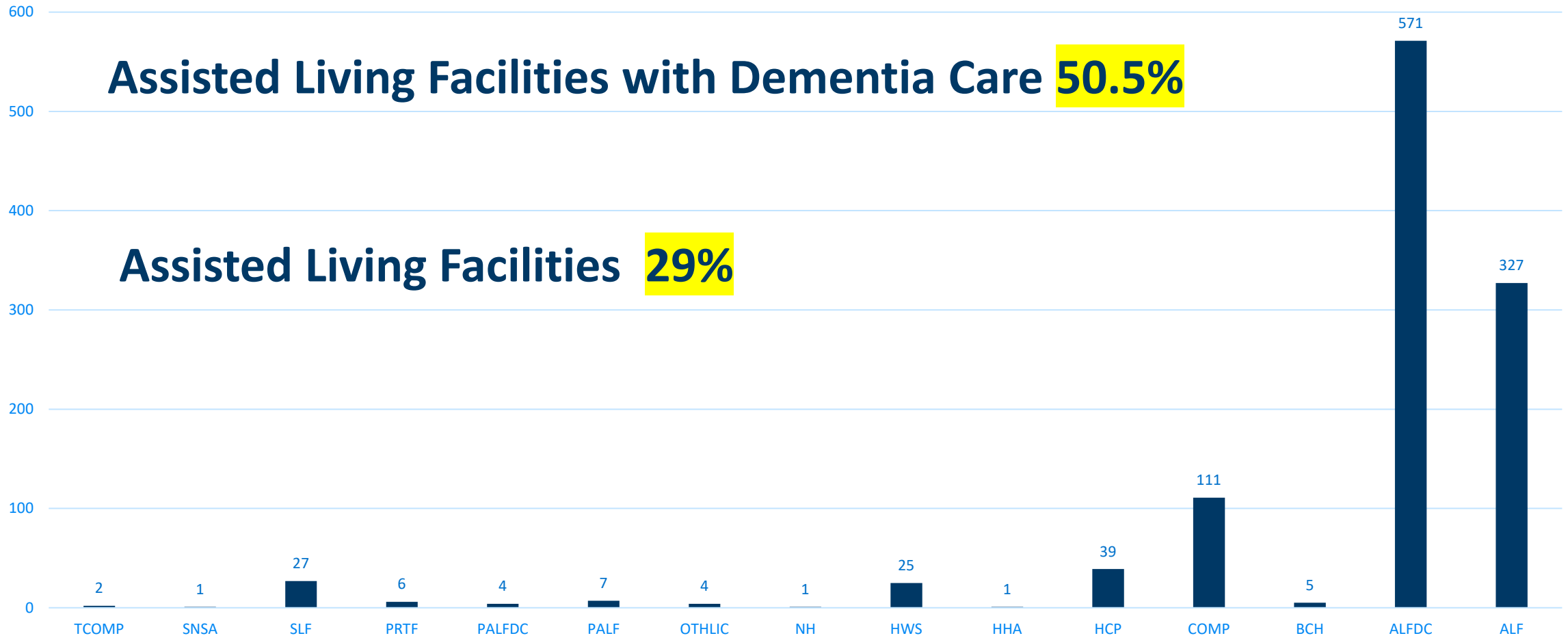
\$310,500 in fines

OHFC State Complaints Received

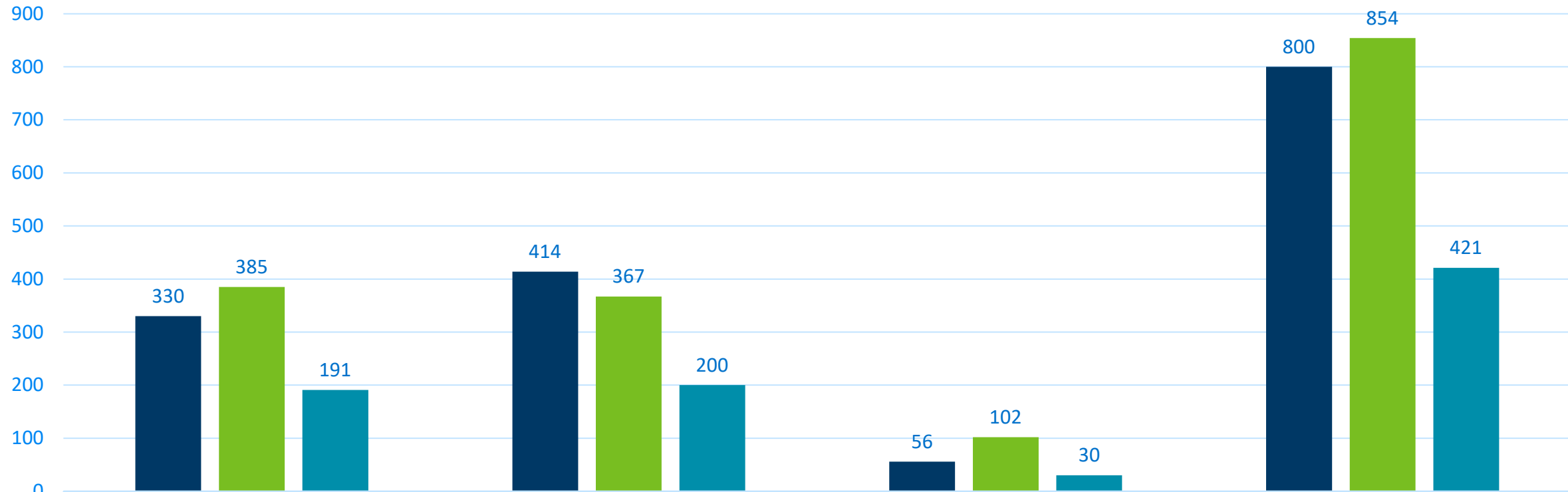


Complaints Investigated by Provider Type

8.1.2021 to 7.27.2022



OHFC Investigation Determinations



	Unsubstantiated	Substantiated	Inconclusive	
2020	330	414	56	800
2021	385	367	102	854
2022 Jan-Jun	191	200	30	421

2020 2021 2022 Jan-Jun



What Are Surveyors Finding on Survey?

Assisted Living May Not Serve Under 18 Years Old



Minn. Stat. 144G.08, Subdivision 2:
“Adult” means a natural person who
has attained the age of 18 years.

Minn. Stat. 144G.08, Subdivision 59:
“Resident” means an **adult** living in
an assisted living facility who has
executed an assisted living contract.

Background Study Changes

Who is supposed to be removed from your NETStudy 2.0 rosters and/or not receive a NETStudy 2.0 background study moving forward? Individuals who:

- ✓ Have a valid license from a Health Licensing Board (HLB)
- ✓ Have completed a background check under Minnesota Statutes, section 214.075

How do we know if an individual has had a background study under section 214.075?

- HLBs implemented background studies under this section beginning January 1, 2018. They only performed these background studies on individuals seeking initial (new) licensure, reinstatement after more-than-one year lapse, or licensees applying to participate in an interstate compact.

[Background Studies for HLB-Licensed Providers FAQ \(PDF\) \(www.health.state.mn.us/about/org/hrd/docs/hlbbgsfaq.pdf\)](http://www.health.state.mn.us/about/org/hrd/docs/hlbbgsfaq.pdf)

Assessment of Hospital-style Bed Rails

- Appropriate candidate?
- Improper restraint?
- Documented measurements per FDA measurement recommendations

Assessment of Consumer Bed Rails

- Appropriate candidate?
- Improper restraint?
- Document installation per manufacturer guidelines (and keep them accessible)

[Assisted Living Resources & FAQs - Bedrails \(www.health.state.mn.us/facilities/regulation/assistedliving/faq.html#bedrail\)](http://www.health.state.mn.us/facilities/regulation/assistedliving/faq.html#bedrail)

Awake Staff/ “Qualified Staff”

144G.41 Subd. 1 (12) ensure that one or more persons are available 24 hours per day, seven days per week, who are responsible for responding to the requests of residents for assistance with health or safety needs. Such persons must be:

(i) **awake**;

(ii) located in the same building, in an attached building, or on a contiguous [*assisted living*] campus with the facility in order to respond within a reasonable amount of time;





Statute indicates RN
Nurse Practice Act allows delegation to ULP's



Smoking in the Facility

The U.S. Food & Drug Administration (FDA) instructed when using an oxygen concentrator – DO NOT use the concentrator, or any oxygen product, near an open flame or while smoking.

The Minnesota Department of Health's Minnesota Clean Indoor Air Act (MCIAA) amendment, effective August 1, 2019, noted smoking was prohibited in health care facilities and clinics.



Subd. 2. **Adult.** "Adult" means a natural person who has attained the age of 18 years.

Subd. 59. **Resident.** "Resident" means an *adult* living in an assisted living facility who has executed an assisted living contract.

Subd. 7. **Assisted living facility.** "Assisted living facility" means a facility that provides sleeping accommodations and assisted living services to one or more adults.

Subd. 5. **Assisted living contract.** "Assisted living contract" means the legal agreement between a resident and an assisted living facility for housing and, *if applicable*, assisted living services.



Questions???

ALL Survey and Investigation Fall WebEx Series



Physical Plant
October 26, 2022



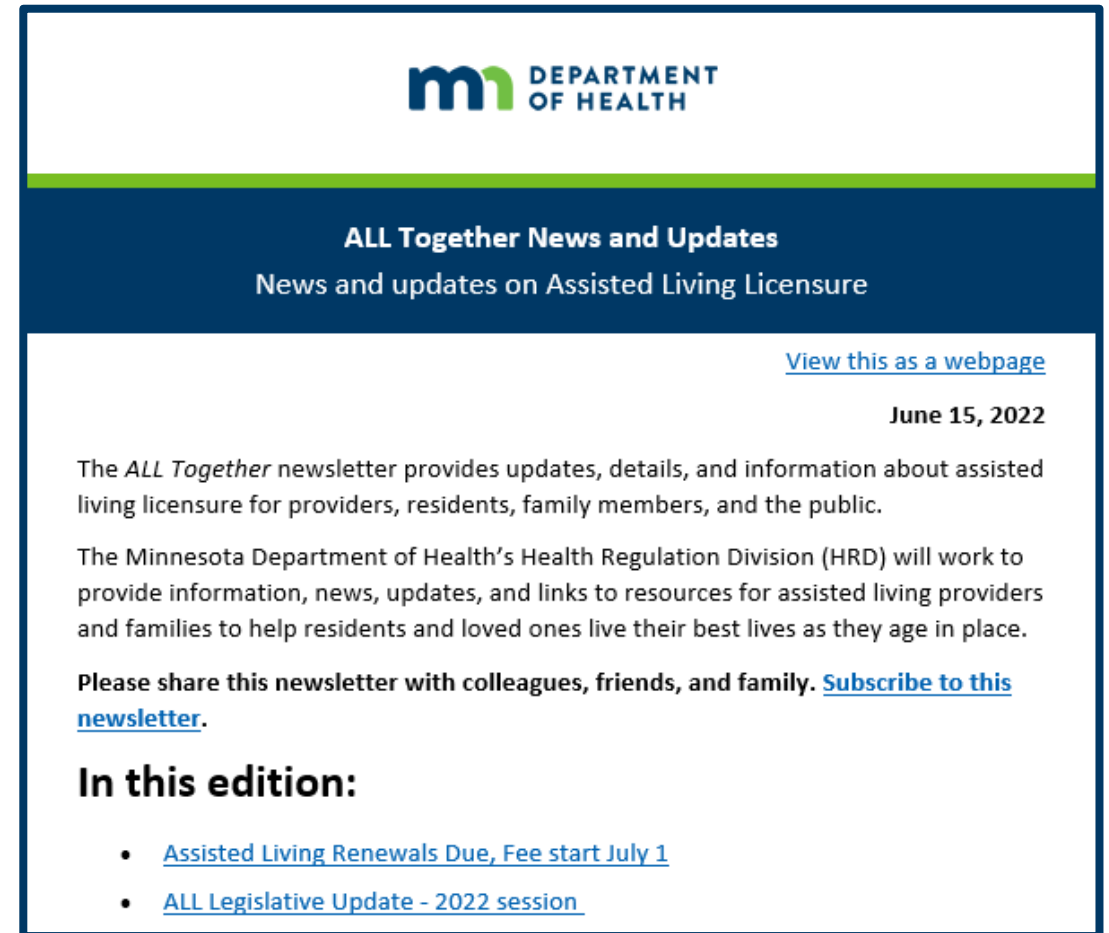
OHFC Investigations &
AL Complaints
November 2, 2022



MN Food Code
November 16, 2022

ALL Together Newsletter

- Subscribe to HRD's ALL Together Newsletter for up-to-date information regarding Assisted Living Licensure
- [MDH Email Updates \(https://public.govdelivery.com/accounts/MNMDH/subscriber/new?topic_id=MNMDH_660\)](https://public.govdelivery.com/accounts/MNMDH/subscriber/new?topic_id=MNMDH_660)



The screenshot shows the header of the ALL Together Newsletter. At the top is the Minnesota Department of Health logo. Below it is a dark blue banner with the text "ALL Together News and Updates" and "News and updates on Assisted Living Licensure". To the right of the banner is a link "View this as a webpage". Below the banner is the date "June 15, 2022". The main text describes the newsletter's purpose and provides information about the Health Regulation Division's work. It also includes a call to action to share the newsletter and a list of featured articles in this edition.

mn DEPARTMENT OF HEALTH

ALL Together News and Updates
News and updates on Assisted Living Licensure

[View this as a webpage](#)

June 15, 2022

The *ALL Together* newsletter provides updates, details, and information about assisted living licensure for providers, residents, family members, and the public.

The Minnesota Department of Health's Health Regulation Division (HRD) will work to provide information, news, updates, and links to resources for assisted living providers and families to help residents and loved ones live their best lives as they age in place.

Please share this newsletter with colleagues, friends, and family. [Subscribe to this newsletter.](#)

In this edition:

- [Assisted Living Renewals Due, Fee start July 1](#)
- [ALL Legislative Update - 2022 session](#)

Thank you.

Jia Vang - Administrative Specialist

Lynn Knight - Administrative Specialist

Amy Hyers – Evaluations Regional Operations Manager

Daphne Ponds – Interim State Executive Operations Manager | Interim OHFC Director

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