



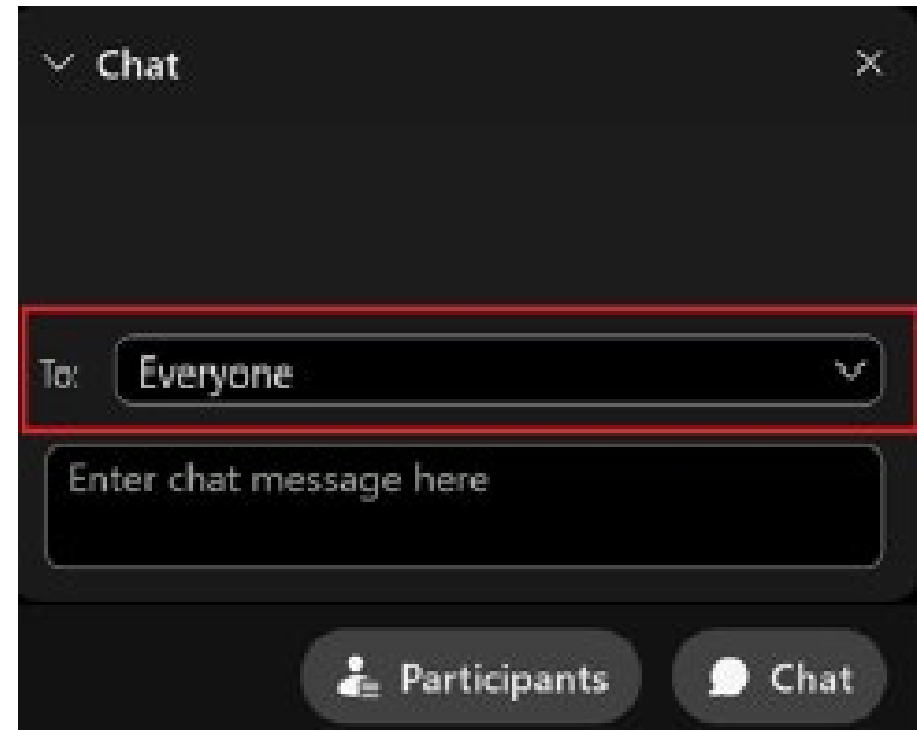
Assisted Living Quarterly Update

August 19, 2024

MDH Health Regulation Division

Webex Participants

- **Participants are muted.**
- **To ask a question**, click on the chat bubble to open the chat, select “Everyone”, and ask a question or provide a comment. Messages sent privately may not be addressed due to logistics.
- We will answer as many questions as we can at the end of our time today.



- 2024 Legislative Debrief
- Complaint Investigation Trends
- Assisted Living Survey Updates
- Engineering Updates



2024 Legislative Debrief

Daphne Ponds | State HRD Executive Ops Mgr.

2024 Minnesota Legislative Session Impact



BUSY & FAST-PACED!

During the 93rd Legislature, 2023-2024, over 11,000 bills were introduced between the House and Senate.

HRD received 35 fiscal note requests.

Most legislation impacting assisted living was combined into One Mega Omnibus Bill – HF 5247

- Tax bill + 8 additional bills = 9 bills
 - 1432 pages
 - 73 Articles

New Legislation Effective 2024

Assisted Living & Home Care

Provisional
License Closure
Plan

144G Food Code
Revisions

Licensed
Healthcare
Professional
Definition

LALD Licensure
Changes

Portability of Staff
Orientation

2024

*Availability AL
Correction Orders

No Sleeping
Accommodations
in Home Care

HWS Deletions

2024

Assisted Living Correction Orders

Minn. Stat. 144G.30, subd. 5

Effective: August 1, 2024

AL provider must make correction orders available when requested.

The facility must provide a copy of the facility's most recent plan of correction to any individual who requests it within 30 days after the request and in a format determined by the facility, except the facility must make reasonable accommodations in providing the plan of correction in another format, including a paper copy, upon request.

Minimum Requirement Modifications

Minn. Stat. 144G, subd. 1
Effective: July 1, 2024

Deletions and modifications to current food, laundry, transportation, and housekeeping requirements.

New language related to MN Food Code for 10 or less resident AL facilities:

- ✓ Share a Certified Food Protection Manager (CFPM) with one other facility
- ✓ Kick plates allowed (not removeable or able to be rotated)
- ✓ Integral drainboards, utensil racks, or tables to hold soiled and clean items not required
- ✓ Dedicated handwashing sink not required
- ✓ Existing floor, wall, and ceiling finishes allowed if kept clean and in good condition
- ✓ Shatter-resistant light bulbs not required
- ✓ Self-closing door not required for a toilet room

Provisional Licensee Closure

Minn. Stat. 144G.16, subd. 6

Effective: July 1, 2024

If reconsideration of a license denial is upheld, a draft closure plan must be submitted within 10 calendar days with a final closure plan within 30 calendar days of receipt of the reconsideration decision.



Definition of Licensed Health Professional

Minn. Stat. 144G.08, subd. 29

Effective: July 1, 2024

Clarifies licensed health professional is a person other than an RN or LPN who provides assisted living services within their scope of practice.

Keeps the original intent of the legislation to licensed health care professionals who can delegate to unlicensed personnel within their scope of practice.



Portability of Staff Orientation Requirements

Minn. Stat. 144G.63, Subd. 1
Effective July 1, 2024

No repeat of orientation requirements if the staff person transfers from one ALF to another ALF operated by the same licensee or licensee affiliated with the same corporate organization.

If transferring from an ALF to ALFDC, the staff person must meet additional training requirements under 144G.83



Licensed Assisted Living Director (LALD) License Changes

Minn. Stat. 144A.20, subd. 4

Effective: July 1, 2024



- Must apply for an LALD license within 30 days of hire, not six (6) months.
- Must satisfactorily meet the requirements of Board of Long-Term Services and Supports (BELTSS); may not still be in training or scheduled for training when obtaining licensure.

No Sleeping Accommodations in Home Care

Minn. Stat. 144A. 471
Effective: July 1, 2024

A home care licensee must not provide sleeping accommodations as a provision of home care services.

Sleeping accommodations + Services = Assisted Living except for exempt settings.



Housing With Services Is No More

Deletions of references to housing with services or housing contracts.



New Legislation Effective 2025/2026

Assisted Living



*License Portability



*Mental Illness |
De-escalation Training



Assisted Living as
Protected Title

License Portability

Minn. Stat. 144G.195
Effective March 15, 2025

An assisted living facility with five or fewer residents may operate under the licensee's current license if the facility is relocated with MDH approval.



- ✓ \$3905 relocation fee with application
- ✓ DLI approval with certificate of occupancy
- ✓ MDH plan review and approve/deny within 30 calendar days
- ✓ May relocate once in three-year period time
- ✓ Within geographic boundaries of the current or contiguous municipality
- ✓ Must demonstrate extenuating circumstances
- ✓ Provide new AL contract and comply with coordinated move requirements

Mental illness and De-escalation Training

Minn. Stat. 144G.63, subd. 4
Effective: July 1, 2025

All assisted living facility must train facility staff in mental illness and de-escalation content in addition to dementia. Training content and staff training hours modeled off dementia training requirements.



Assisted Living as a Protected Title

Minn. Stat. 144G.10

Effective: January 1, 2026

No person or entity may use the phrase “assisted living” to describe, offer or promote itself or any housing, service, service package or program that it provides in Minnesota unless the person or entity is licensed as an assisted living facility.

No licensee’s name for a new assisted living facility may include the terms “home care” or “nursing home.”



Complaint Investigation Trends

Matt Heffron | Regional Operations Manager

Assisted Living Bill of Rights

An assisted living facility is the resident's home

A facility may not ask a resident to give up any of the rights protected by the assisted living bill of rights



Assisted Living Bill of Rights

Potential rights violations:

- “House rules”
- Visiting hours
- Bed rail policies
- Threatened terminations
- Alcohol policies

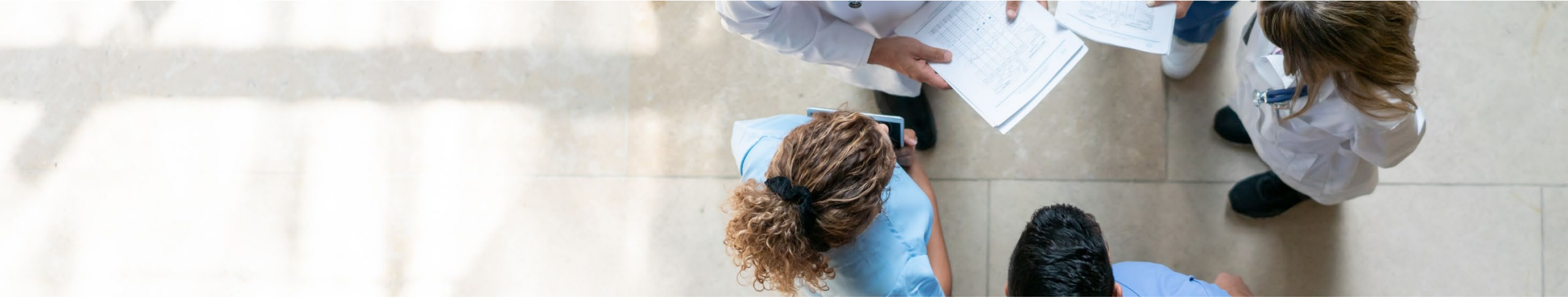


Rights Issues for Secured Units

The purpose of secured units in assisted living is to provide dementia care

Residents who do not have an individual need for a secured units have the right to come and go as they choose





Assisted Living Survey Update

Daphne Ponds | State HRD Executive Ops. Mgr.

MDH is close to the finish line...

MDH is only six weeks away from completing the 1st round of assisted living surveys.

For the first time in MN history, every licensing assisted living facility in MN will be surveyed.



The next AL survey cycle



MDH will be focusing on provisional licensing surveys and plan reviews early fall.

Expect the next survey cycle to begin late October/early November 2024.

Apr-Jun 2024 AL Survey Data

FY 2024_4th Quarter

	TAG	CORRECTION ORDER DESCRIPTION	NO.
1	0480	Minimum Requirements: MN Food Code	179
2	0810	Fire Protection and Physical Environment: Fire Safety and Evacuation	177
3	0680	Disaster Planning and Emergency Preparedness	137
4	0800	Fire Protection and Physical Environment: Continuous State of Good Repair	131
5	0780	Fire Protection and Physical Environment: Smoke Alarms	88
6	0660	Tuberculosis Prevention and Control	84
7	1620	Initial Reviews, Assessments, and Monitoring	84
8	0790	Fire Protection and Physical Environment: Fire Extinguishers	80
9	0470	Minimum Requirements: Staffing Plan	80
10	0820	Fire Protection and Physical Environment: Egress Windows	79

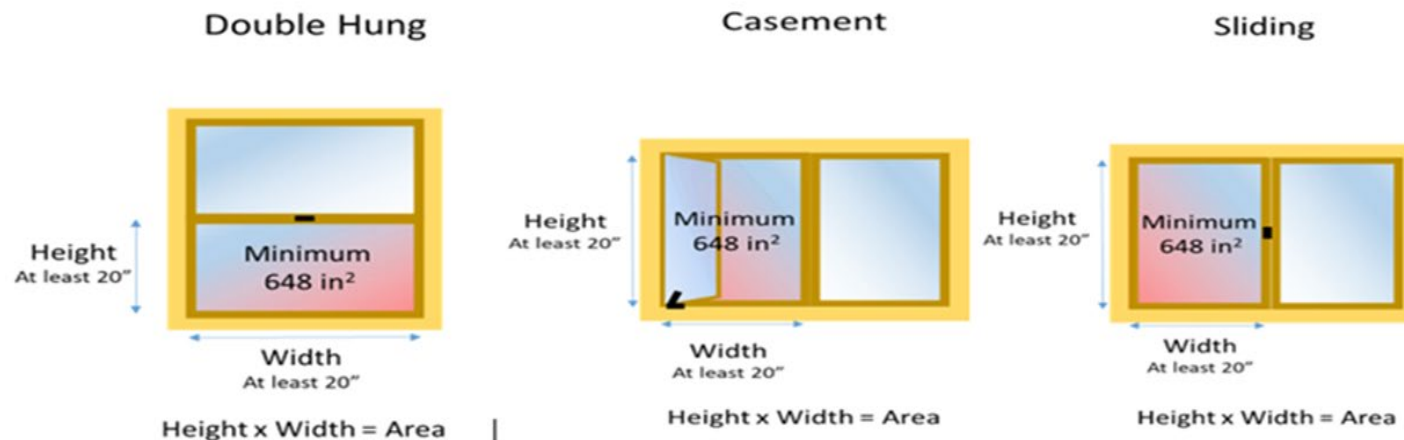


Engineering Update

Bob Dehler | HRD Engineering Manager

(0820): 144G.45, Subd. 2(g)

Existing egress window in state licensed facilities is a window that has a minimum of 648 square inches with not less than 20 inches in height of openable area and 20 inches in width of openable area.



Fire Safety and Evacuation Plan

(0810) 144G.45 Subd. 2 (b-f)

- Develop a plan
- Make plan readily available
- Train staff accordingly
- Train residents accordingly
- Execute your drills!



Practice!

Practice!

Practice!

Engineering Plan Review/Inspection

- Any work will likely require a permit or Department of Labor and Industry (DLI) review.
- Also submit to MDH for review to current codes.
- Generally, any work in your facility will require DLI and MDH review.
- MDH will do plan review AND inspection of the construction.



- There are locking requirements in licensure and building/fire codes.
- You cannot lock the means of egress in assisted living. That is a violation of licensure. If you lock the means of egress, the residents are not able to leave in an emergency and must be located in an assisted living with dementia.
- If you do lock doors, the locking must meet requirements in the building/fire code.



New Engineering Staff



- Engineering is staffing up
- Onboarding 4 new engineers with fire and building code background
- Will advertise for final engineer position in next month or two



What's Next?

National Assisted Living Week

- Week of September 9th

Opioid Overdose in Healthcare Facilities Webex

- September 12 at 1:00 p.m.

Assisted Living Quarterly Update Webex

- November 18 at 1:00 p.m.

Thank You!

QUESTIONS?

Email: health.assistedliving@state.mn.us