

This Document can be made available in alternative formats upon request

State of Minnesota

Printed Page No. 286

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4308

02/26/2024 Authored by Kiel, Fischer and Backer
The bill was read for the first time and referred to the Committee on Human Services Policy
03/13/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to human services; modifying provisions governing long-term care options
1.3 counseling; amending Minnesota Statutes 2022, section 256.975, subdivision 7e;
1.4 repealing Minnesota Statutes 2022, section 256.975, subdivisions 7f, 7g.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 256.975, subdivision 7e, is amended to read:

1.7 Subd. 7e. Long-term care options counseling for assisted living at critical care
1.8 transitions. (a) The purpose of long-term care options counseling for assisted living is to
1.9 support persons with current or anticipated long-term care needs in making informed choices
1.10 among options that include the most cost-effective and least restrictive settings. Prospective
1.11 residents maintain the right to choose assisted living if that option is their preference.
1.12 Reaching people before a crisis and during care transitions is important to ensure quality
1.13 of care and life, prevent unnecessary hospitalizations and readmissions, reduce the burden
1.14 on the health care system, reduce costs, and support personal preferences.

1.15 (b) Licensed assisted living facilities shall inform each prospective resident or the
1.16 prospective resident's designated or legal representative of the availability of long-term care
1.17 options counseling for assisted living and the need to receive and verify the counseling prior
1.18 to signing a contract. Long-term care options counseling for assisted living is provided as
1.19 determined by the commissioner of human services. The service is delivered under a
1.20 partnership between lead agencies as defined in subdivision 10, paragraph (g), and the Area
1.21 Agencies on Aging, and is a point of entry to a combination of telephone-based long-term
1.22 care options counseling provided by Senior LinkAge Line and in-person long-term care
1.23 consultation provided by lead agencies. The point of entry service must be provided within

2.1 ~~five working days of the request of the prospective resident as follows~~ Counseling must be  
2.2 delivered by Senior LinkAge Line either by telephone or in-person. Counseling must:

2.3 ~~(1) the counseling shall be conducted with the prospective resident, or in the alternative,~~  
2.4 ~~the resident's designated or legal representative, if:~~

2.5 ~~(i) the resident verbally requests; or~~

2.6 ~~(ii) the assisted living facility has documentation of the designated or legal representative's~~  
2.7 ~~authority to enter into a lease or contract on behalf of the prospective resident and accepts~~  
2.8 ~~the documentation in good faith;~~

2.9 ~~(2) the counseling shall~~ (1) be performed in a manner that provides objective and complete  
2.10 information;

2.11 ~~(3) the counseling must~~ (2) include a review of the ~~prospective resident's reasons for~~  
2.12 ~~considering assisted living services, the prospective resident's~~ person's personal goals, a  
2.13 discussion of the ~~prospective resident's~~ person's immediate and projected long-term care  
2.14 needs, and alternative community services or settings that may meet the ~~prospective resident's~~  
2.15 person's needs; and

2.16 ~~(4) the prospective resident must be informed of the availability of an in-person visit~~  
2.17 ~~from a long-term care consultation team member at no charge to the prospective resident~~  
2.18 ~~to assist the prospective resident in assessment and planning to meet the prospective resident's~~  
2.19 ~~long-term care needs; and~~

2.20 ~~(5) verification of counseling shall be generated and provided to the prospective resident~~  
2.21 ~~by Senior LinkAge Line upon completion of the telephone-based counseling~~ (3) include  
2.22 the counseling and referral protocols in subdivision 7, paragraph (b), clauses (11) to (13).

2.23 (c) An assisted living facility licensed under chapter 144G ~~shall:~~

2.24 ~~(1)~~ must inform each prospective resident or the prospective resident's designated or  
2.25 legal representative of the availability of and contact information for long-term care options  
2.26 counseling services under this subdivision; by providing Senior LinkAge Line information  
2.27 at the facility tour.

2.28 ~~(2) receive a copy of the verification of counseling prior to executing a contract with~~  
2.29 ~~the prospective resident; and~~

2.30 ~~(3) retain a copy of the verification of counseling as part of the resident's file.~~

2.31 (d) ~~Emergency admissions to licensed assisted living facilities prior to consultation under~~  
2.32 ~~paragraph (b) are permitted according to policies established by the commissioner.~~ Prior to

3.1 discharge, hospitals must refer older adults who are at risk of nursing home placement to  
3.2 the Senior LinkAge Line for long-term care options counseling. Hospitals must make these  
3.3 referrals using referral protocols and processes developed under subdivision 7.

3.4 **EFFECTIVE DATE.** This section is effective August 1, 2024.

3.5 Sec. 2. **REPEALER.**

3.6 Minnesota Statutes 2022, section 256.975, subdivisions 7f and 7g, are repealed.

3.7 **EFFECTIVE DATE.** This section is effective August 1, 2024.

**256.975 MINNESOTA BOARD ON AGING.**

Subd. 7f. **Exemptions from long-term care options counseling for assisted living.** Individuals shall be exempt from the requirements outlined in subdivision 7e in the following circumstances:

- (1) the individual is seeking a lease-only arrangement in a subsidized housing setting;
- (2) the individual has previously received a long-term care consultation assessment under section 256B.0911. In this instance, the assessor who completes the long-term care consultation assessment will issue a verification code and provide it to the individual;
- (3) the individual is receiving or is being evaluated for hospice services from a hospice provider licensed under sections 144A.75 to 144A.755; or
- (4) the individual has used financial planning services and created a long-term care plan as defined by the commissioner in the 12 months prior to signing a lease or contract with a licensed assisted living facility.

Subd. 7g. **Long-term care options counseling at hospital discharge.** (a) Hospitals shall refer all individuals described in paragraph (b) prior to discharge from an inpatient hospital stay to the Senior LinkAge Line for long-term care options counseling. Hospitals shall make these referrals using referral protocols and processes developed under subdivision 7. The purpose of the counseling is to support persons with current or anticipated long-term care needs in making informed choices among options that include the most cost-effective and least restrictive setting.

(b) The individuals who shall be referred under paragraph (a) include older adults who are at risk of nursing home placement. Protocols for identifying at-risk individuals shall be developed under subdivision 7, paragraph (b), clause (12).

(c) Counseling provided under this subdivision shall meet the requirements for the consultation required under subdivision 7e.