

**SENATE
STATE OF MINNESOTA
SEVENTH SPECIAL SESSION**

S.F. No. 1

(SENATE AUTHORS: HOUSLEY, Dibble, Ruud, Abeler and Eken)

DATE	D-PG	OFFICIAL STATUS
12/14/2020	5	Introduction and first reading
	5	Laid on table

1.1 A bill for an act

1.2 relating to health; changing provisions for nursing homes and assisted living

1.3 facilities; changing the fee schedule for the Board of Executives for Long Term

1.4 Services and Supports; appropriating money; amending Minnesota Statutes 2020,

1.5 sections 144.6512, by adding a subdivision; 144A.291, subdivision 2; 144G.07,

1.6 by adding a subdivision; 144G.08, subdivisions 7, 9, 23, 59, by adding subdivisions;

1.7 144G.10, subdivision 1, by adding a subdivision; 144G.41, subdivisions 1, 3;

1.8 144G.42, subdivision 9, by adding a subdivision; 144G.45, subdivisions 2, 4, 5;

1.9 144G.50, subdivision 1; 144G.54, subdivision 4; 144G.81, subdivision 3; 144G.92,

1.10 subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144G;

1.11 repealing Minnesota Statutes 2020, section 144G.81, subdivision 2.

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

1.13 Section 1. Minnesota Statutes 2020, section 144.6512, is amended by adding a subdivision

1.14 to read:

1.15 Subd. 6. Other laws. Nothing in this section affects the rights and remedies available

1.16 under section 626.557, subdivisions 10, 17, and 20.

1.17 EFFECTIVE DATE. This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2020, section 144A.291, subdivision 2, is amended to read:

1.19 Subd. 2. **Amounts.** (a) Fees may not exceed the following amounts but may be adjusted

1.20 lower by board direction and are for the exclusive use of the board as required to sustain

1.21 board operations. The maximum amounts of fees are:

1.22 (1) application for licensure, \$200;

- 2.1 (2) for a prospective applicant for a review of education and experience advisory to the
2.2 license application, \$100, to be applied to the fee for application for licensure if the latter
2.3 is submitted within one year of the request for review of education and experience;
- 2.4 (3) state examination, \$125;
- 2.5 (4) initial license, \$250 if issued between July 1 and December 31, \$100 if issued between
2.6 January 1 and June 30;
- 2.7 (5) acting ~~administrator~~ permit, \$400;
- 2.8 (6) renewal license, \$250;
- 2.9 (7) duplicate license, \$50;
- 2.10 (8) reinstatement fee, \$250;
- 2.11 (9) health services executive initial license, ~~\$200~~ \$250;
- 2.12 (10) health services executive renewal license, ~~\$200~~ \$250;
- 2.13 (11) reciprocity verification fee, \$50;
- 2.14 (12) second shared ~~administrator~~ assignment, \$250;
- 2.15 (13) continuing education fees:
- 2.16 (i) greater than six hours, \$50; and
- 2.17 (ii) seven hours or more, \$75;
- 2.18 (14) education review, \$100;
- 2.19 (15) fee to a sponsor for review of individual continuing education seminars, institutes,
2.20 workshops, or home study courses:
- 2.21 (i) for less than seven clock hours, \$30; and
- 2.22 (ii) for seven or more clock hours, \$50;
- 2.23 (16) fee to a licensee for review of continuing education seminars, institutes, workshops,
2.24 or home study courses not previously approved for a sponsor and submitted with an
2.25 application for license renewal:
- 2.26 (i) for less than seven clock hours total, \$30; and
- 2.27 (ii) for seven or more clock hours total, \$50;
- 2.28 (17) late renewal fee, \$75;
- 2.29 (18) fee to a licensee for verification of licensure status and examination scores, \$30;

3.1 (19) registration as a registered continuing education sponsor, \$1,000; ~~and~~

3.2 (20) mail labels, \$75; and

3.3 (21) annual assisted living program education provider fee, \$2,500.

3.4 (b) The revenue generated from the fees must be deposited in an account in the state
3.5 government special revenue fund.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.7 Sec. 3. Minnesota Statutes 2020, section 144G.07, is amended by adding a subdivision to
3.8 read:

3.9 Subd. 6. **Other laws.** Nothing in this section affects the rights and remedies available
3.10 under section 626.557, subdivisions 10, 17, and 20.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.12 Sec. 4. Minnesota Statutes 2020, section 144G.08, is amended by adding a subdivision to
3.13 read:

3.14 Subd. 4a. **Assisted living facility campus.** "Assisted living facility campus" or "campus"
3.15 means:

3.16 (1) a single building having two or more addresses, located on the same property with
3.17 a single property identification number;

3.18 (2) two or more buildings, each with a separate address, located on the same property
3.19 with a single property identification number; or

3.20 (3) two or more buildings at different addresses, located on properties with different
3.21 property identification numbers, that share a portion of a legal property boundary.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.23 Sec. 5. Minnesota Statutes 2020, section 144G.08, subdivision 7, is amended to read:

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

3.26 Assisted living facility includes assisted living facility with dementia care, and does not
3.27 include:

3.28 (1) emergency shelter, transitional housing, or any other residential units serving
3.29 exclusively or primarily homeless individuals, as defined under section 116L.361;

- 4.1 (2) a nursing home licensed under chapter 144A;
- 4.2 (3) a hospital, certified boarding care, or supervised living facility licensed under sections
4.3 144.50 to 144.56;
- 4.4 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
4.5 9520.0500 to 9520.0670, or under chapter 245D or 245G;
- 4.6 (5) services and residential settings licensed under chapter 245A, including adult foster
4.7 care and services and settings governed under the standards in chapter 245D;
- 4.8 (6) a private home in which the residents are related by kinship, law, or affinity with the
4.9 provider of services;
- 4.10 (7) a duly organized condominium, cooperative, and common interest community, or
4.11 owners' association of the condominium, cooperative, and common interest community
4.12 where at least 80 percent of the units that comprise the condominium, cooperative, or
4.13 common interest community are occupied by individuals who are the owners, members, or
4.14 shareholders of the units;
- 4.15 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;
- 4.16 (9) a setting offering services conducted by and for the adherents of any recognized
4.17 church or religious denomination for its members exclusively through spiritual means or
4.18 by prayer for healing;
- 4.19 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
4.20 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
4.21 units financed by the Minnesota Housing Finance Agency that are intended to serve
4.22 individuals with disabilities or individuals who are homeless, except for those developments
4.23 that market or hold themselves out as assisted living facilities and provide assisted living
4.24 services;
- 4.25 (11) rental housing developed under United States Code, title 42, section 1437, or United
4.26 States Code, title 12, section 1701q;
- 4.27 (12) rental housing designated for occupancy by only elderly or elderly and disabled
4.28 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
4.29 families under Code of Federal Regulations, title 24, section 983.56;
- 4.30 (13) rental housing funded under United States Code, title 42, chapter 89, or United
4.31 States Code, title 42, section 8011; ~~or~~
- 4.32 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

5.1 (15) any establishment that exclusively or primarily serves as a shelter or temporary
5.2 shelter for victims of domestic or any other form of violence.

5.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

5.4 Sec. 6. Minnesota Statutes 2020, section 144G.08, is amended by adding a subdivision to
5.5 read:

5.6 Subd. 7a. **Assisted living facility license.** "Assisted living facility license" or "license"
5.7 means a certificate issued by the commissioner under section 144G.10 that authorizes the
5.8 licensee to manage, control, and operate an assisted living facility for a specified period of
5.9 time and in accordance with the terms of the license, this chapter, and the rules of the
5.10 commissioner.

5.11 **EFFECTIVE DATE.** This section is effective August 1, 2021.

5.12 Sec. 7. Minnesota Statutes 2020, section 144G.08, subdivision 9, is amended to read:

5.13 Subd. 9. **Assisted living services.** "Assisted living services" includes one or more of
5.14 the following:

5.15 (1) assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and
5.16 bathing;

5.17 (2) providing standby assistance;

5.18 (3) providing verbal or visual reminders to the resident to take regularly scheduled
5.19 medication, which includes bringing the resident previously set up medication, medication
5.20 in original containers, or liquid or food to accompany the medication;

5.21 (4) providing verbal or visual reminders to the resident to perform regularly scheduled
5.22 treatments and exercises;

5.23 (5) preparing ~~modified~~ specialized diets ordered by a licensed health professional;

5.24 (6) services of an advanced practice registered nurse, registered nurse, licensed practical
5.25 nurse, physical therapist, respiratory therapist, occupational therapist, speech-language
5.26 pathologist, dietitian or nutritionist, or social worker;

5.27 (7) tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed
5.28 health professional within the person's scope of practice;

5.29 (8) medication management services;

5.30 (9) hands-on assistance with transfers and mobility;

6.1 (10) treatment and therapies;

6.2 (11) assisting residents with eating when the residents have complicated eating problems
6.3 as identified in the resident record or through an assessment such as difficulty swallowing,
6.4 recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous
6.5 instruments to be fed;

6.6 (12) providing other complex or specialty health care services; and

6.7 (13) supportive services in addition to the provision of at least one of the services listed
6.8 in clauses (1) to (12).

6.9 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.10 Sec. 8. Minnesota Statutes 2020, section 144G.08, subdivision 23, is amended to read:

6.11 Subd. 23. **Direct ownership interest.** "Direct ownership interest" means an individual
6.12 or ~~organization~~ legal entity with the possession of at least five percent equity in capital,
6.13 stock, or profits of the licensee, or who is a member of a limited liability company of the
6.14 licensee.

6.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.16 Sec. 9. Minnesota Statutes 2020, section 144G.08, subdivision 59, is amended to read:

6.17 Subd. 59. **Resident.** "Resident" means ~~a person~~ an adult living in an assisted living
6.18 facility who has executed an assisted living contract.

6.19 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.20 Sec. 10. Minnesota Statutes 2020, section 144G.10, subdivision 1, is amended to read:

6.21 Subdivision 1. **License required.** (a)(1) Beginning August 1, 2021, no assisted living
6.22 facility may operate in Minnesota unless it is licensed under this chapter.

6.23 (2) No facility or building on a campus may provide assisted living services until
6.24 obtaining the required license under paragraphs (c) to (e).

6.25 (b) The licensee is legally responsible for the management, control, and operation of the
6.26 facility, regardless of the existence of a management agreement or subcontract. Nothing in
6.27 this chapter shall in any way affect the rights and remedies available under other law.

6.28 (c) Upon approving an application for an assisted living facility license, the commissioner
6.29 shall issue a single license for each building that is operated by the licensee as an assisted

7.1 living facility and is located at a separate address, except as provided under paragraph (d)
 7.2 or (e).

7.3 (d) Upon approving an application for an assisted living facility license, the commissioner
 7.4 may issue a single license for two or more buildings on a campus that are operated by the
 7.5 same licensee as an assisted living facility. An assisted living facility license for a campus
 7.6 must identify the address and licensed resident capacity of each building located on the
 7.7 campus in which assisted living services are provided.

7.8 (e) Upon approving an application for an assisted living facility license, the commissioner
 7.9 may:

7.10 (1) issue a single license for two or more buildings on a campus that are operated by the
 7.11 same licensee as an assisted living facility with dementia care, provided the assisted living
 7.12 facility for dementia care license for a campus identifies the buildings operating as assisted
 7.13 living facilities with dementia care; or

7.14 (2) issue a separate assisted living facility with dementia care license for a building that
 7.15 is on a campus and that is operating as an assisted living facility with dementia care.

7.16 **EFFECTIVE DATE.** This section is effective August 1, 2021.

7.17 Sec. 11. Minnesota Statutes 2020, section 144G.10, is amended by adding a subdivision
 7.18 to read:

7.19 Subd. 1a. **Assisted living director license required.** Each assisted living facility must
 7.20 employ an assisted living director licensed or permitted by the Board of Executives for
 7.21 Long Term Services and Supports.

7.22 **EFFECTIVE DATE.** This section is effective August 1, 2021.

7.23 Sec. 12. **[144G.191] ASSISTED LIVING FACILITY LICENSING**
 7.24 **IMPLEMENTATION; TRANSITION PERIOD FOR CURRENT PROVIDERS.**

7.25 Subdivision 1. **Application limits.** (a) Beginning June 1, 2021, no initial housing with
 7.26 services establishment registration applications shall be accepted under chapter 144D.

7.27 (b) Beginning June 1, 2021, no temporary comprehensive home care provider license
 7.28 applications shall be accepted for providers that do not intend to provide home care services
 7.29 under sections 144A.43 to 144A.484 on or after August 1, 2021.

7.30 Subd. 2. **New construction; building permit.** (a) All prospective assisted living facility
 7.31 license applicants seeking a license and having new construction who have submitted a

8.1 complete building permit application to the appropriate building code jurisdiction on or
8.2 before July 31, 2021, may meet construction requirements in effect when the building permit
8.3 application was submitted.

8.4 (b) All prospective assisted living facility license applicants seeking a license for new
8.5 construction who submit a complete building permit application to the appropriate building
8.6 code jurisdiction on or after August 1, 2021, must meet the requirements of section 144G.45.

8.7 (c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building
8.8 code authority, a complete application for an electrical or plumbing permit is acceptable in
8.9 lieu of the building permit application.

8.10 (d) For the purposes of paragraph (a), in jurisdictions where building plan review
8.11 applications are separated from building permit applications, a submitted complete application
8.12 for plan review is acceptable in lieu of the building permit application.

8.13 **Subd. 3. Current comprehensive home care providers; provision of assisted living**
8.14 **services. (a) Comprehensive home care providers that do not intend to provide home care**
8.15 **services under chapter 144A on or after August 1, 2021, shall be issued a comprehensive**
8.16 **home care license for a prorated license period upon renewal, effective for license renewals**
8.17 **beginning on or after September 1, 2020. The prorated license period shall be effective from**
8.18 **the provider's current comprehensive home care license renewal date through July 31, 2021.**

8.19 (b) Comprehensive home care providers with prorated license periods shall pay a prorated
8.20 fee based on the number of months the comprehensive home care license is in effect.

8.21 (c) A comprehensive home care provider using the prorated license period in paragraph
8.22 (a), or who otherwise does not intend to provide home care services under chapter 144A
8.23 on or after August 1, 2021, must notify the recipients of changes to their home care services
8.24 in writing at least 60 days before the expiration of the provider's comprehensive home care
8.25 license, or no later than May 31, 2021, whichever is earlier. The notice must:

8.26 (1) state that the provider will no longer be providing home care services under chapter
8.27 144A;

8.28 (2) include the date when the provider will no longer be providing these services;

8.29 (3) include the name, e-mail address, and phone number of the individual associated
8.30 with the comprehensive home care provider that the recipient of home care services may
8.31 contact to discuss the notice;

9.1 (4) include the contact information consisting of the phone number, e-mail address,
9.2 mailing address, and website for the Office of Ombudsman for Long-Term Care and the
9.3 Office of Ombudsman for Mental Health and Developmental Disabilities; and

9.4 (5) for recipients of home care services who receive home and community-based waiver
9.5 services under section 256B.49 and chapter 256S, also be provided to the resident's case
9.6 manager at the same time that it is provided to the resident.

9.7 (d) A comprehensive home care provider that obtains an assisted living facility license
9.8 but does so under a different business name as a result of reincorporation, and continues to
9.9 provide services to the recipient, is not subject to the 60-day notice required under paragraph
9.10 (c). However, the provider must otherwise provide notice to the recipient as required under
9.11 sections 144A.44, 144A.441, and 144A.442, as applicable, and section 144A.4791.

9.12 **Subd. 4. Housing with services establishment registration; conversion to an assisted**
9.13 **living facility license.** (a) Housing with services establishments registered under chapter
9.14 144D, providing home care services according to chapter 144A to at least one resident, and
9.15 intending to provide assisted living services on or after August 1, 2021, must submit an
9.16 application for an assisted living facility license in accordance with section 144G.12 no
9.17 later than June 1, 2021. The commissioner shall consider the application in accordance with
9.18 section 144G.16.

9.19 (b) Notwithstanding the housing with services contract requirements identified in section
9.20 144D.04, any existing housing with services establishment registered under chapter 144D
9.21 that does not intend to convert its registration to an assisted living facility license under this
9.22 chapter must provide written notice to its residents at least 60 days before the expiration of
9.23 its registration, or no later than May 31, 2021, whichever is earlier. The notice must:

9.24 (1) state that the housing with services establishment does not intend to convert to an
9.25 assisted living facility;

9.26 (2) include the date when the housing with services establishment will no longer provide
9.27 housing with services;

9.28 (3) include the name, e-mail address, and phone number of the individual associated
9.29 with the housing with services establishment that the recipient of home care services may
9.30 contact to discuss the notice;

9.31 (4) include the contact information consisting of the phone number, e-mail address,
9.32 mailing address, and website for the Office of Ombudsman for Long-Term Care and the
9.33 Office of Ombudsman for Mental Health and Developmental Disabilities; and

10.1 (5) for residents who receive home and community-based waiver services under section
10.2 256B.49 and chapter 256S, also be provided to the resident's case manager at the same time
10.3 that it is provided to the resident.

10.4 (c) A housing with services registrant that obtains an assisted living facility license, but
10.5 does so under a different business name as a result of reincorporation, and continues to
10.6 provide services to the recipient, is not subject to the 60-day notice required under paragraph
10.7 (b). However, the provider must otherwise provide notice to the recipient as required under
10.8 sections 144D.04 and 144D.045, as applicable, and section 144D.09.

10.9 (d) All registered housing with services establishments providing assisted living under
10.10 sections 144G.01 to 144G.07 prior to August 1, 2021, must have an assisted living facility
10.11 license under this chapter.

10.12 (e) Effective August 1, 2021, any housing with services establishment registered under
10.13 chapter 144D that has not converted its registration to an assisted living facility license
10.14 under this chapter is prohibited from providing assisted living services.

10.15 **Subd. 5. Conversion to assisted living licensure; renewal periods; prorated**
10.16 **licenses.** (a) All assisted living facility licenses and assisted living facility with dementia
10.17 care licenses with an initial effective date in August 2021, shall be valid through July 31,
10.18 2022. These licenses must be initially renewed on August 1, 2022.

10.19 (b) Notices for renewal shall be issued by the department to all licensees by May 1,
10.20 2022. The notice shall include:

10.21 (1) instructions for how to complete the renewal process, including completion of the
10.22 renewal application and payment of the annual license fee in accordance with section
10.23 144G.17;

10.24 (2) a new randomly assigned license renewal period that will apply for all future license
10.25 renewals;

10.26 (3) instructions for licensees to request a change to the randomly assigned renewal period
10.27 based on financial hardship; and

10.28 (4) instructions for licensees with more than one assisted living facility license to request
10.29 that all license renewal dates occur in the same month or in different months throughout a
10.30 12-month period.

10.31 (c) License fees for the first license renewal shall be prorated based on the randomly
10.32 assigned license renewal period starting from August 1, 2022, as follows:

11.1	<u>Assigned renewal month; must be completed</u>	
11.2	<u>by the 1st of the month:</u>	<u>The initial renewed license will be issued for:</u>
11.3	<u>January</u>	<u>5 months, ending December 31, 2022</u>
11.4	<u>February</u>	<u>6 months, ending January 31, 2023</u>
11.5	<u>March</u>	<u>7 months, ending February 28, 2023</u>
11.6	<u>April</u>	<u>8 months, ending March 31, 2023</u>
11.7	<u>May</u>	<u>9 months, ending April 30, 2023</u>
11.8	<u>June</u>	<u>10 months, ending May 31, 2023</u>
11.9	<u>July</u>	<u>11 months, ending June 30, 2023</u>
11.10	<u>August</u>	<u>12 months, ending July 31, 2023</u>
11.11	<u>September</u>	<u>13 months, ending August 31, 2023</u>
11.12	<u>October</u>	<u>14 months, ending September 30, 2023</u>
11.13	<u>November</u>	<u>15 months, ending October 31, 2023</u>
11.14	<u>December</u>	<u>16 months, ending November 30, 2023</u>

11.15 (d) All prorated license fees shall be established by the commissioner based on the
 11.16 licensee's annual fee in the fees schedule in section 144.122, paragraph (d).

11.17 (e) The amount of the annual fee shall be divided by 12 to establish the monthly
 11.18 equivalent of that fee, and that amount shall be multiplied by the number of months in the
 11.19 assigned prorated renewal period. This amount must be paid by the date in the renewal
 11.20 instructions to the licensee in order to renew the license.

11.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.22 Sec. 13. Minnesota Statutes 2020, section 144G.41, subdivision 1, is amended to read:

11.23 Subdivision 1. **Minimum requirements.** All assisted living facilities shall:

11.24 (1) distribute to residents the assisted living bill of rights;

11.25 (2) provide services in a manner that complies with the Nurse Practice Act in sections
 11.26 148.171 to 148.285;

11.27 (3) utilize a person-centered planning and service delivery process;

11.28 (4) have and maintain a system for delegation of health care activities to unlicensed
 11.29 personnel by a registered nurse, including supervision and evaluation of the delegated
 11.30 activities as required by the Nurse Practice Act in sections 148.171 to 148.285;

11.31 (5) provide a means for residents to request assistance for health and safety needs 24
 11.32 hours per day, seven days per week;

- 12.1 (6) allow residents the ability to furnish and decorate the resident's unit within the terms
12.2 of the assisted living contract;
- 12.3 (7) permit residents access to food at any time;
- 12.4 (8) allow residents to choose the resident's visitors and times of visits;
- 12.5 (9) allow the resident the right to choose a roommate if sharing a unit;
- 12.6 (10) notify the resident of the resident's right to have and use a lockable door to the
12.7 resident's unit. The licensee shall provide the locks on the unit. Only a staff member with
12.8 a specific need to enter the unit shall have keys, and advance notice must be given to the
12.9 resident before entrance, when possible. An assisted living facility must not lock a resident
12.10 in the resident's unit;
- 12.11 (11) develop and implement a staffing plan for determining its staffing level that:
- 12.12 (i) includes an evaluation, to be conducted at least twice a year, of the appropriateness
12.13 of staffing levels in the facility;
- 12.14 (ii) ensures sufficient staffing at all times to meet the scheduled and reasonably
12.15 foreseeable unscheduled needs of each resident as required by the residents' assessments
12.16 and service plans on a 24-hour per day basis; and
- 12.17 (iii) ensures that the facility can respond promptly and effectively to individual resident
12.18 emergencies and to emergency, life safety, and disaster situations affecting staff or residents
12.19 in the facility;
- 12.20 (12) ensure that one or more persons are available 24 hours per day, seven days per
12.21 week, who are responsible for responding to the requests of residents for assistance with
12.22 health or safety needs. Such persons must be:
- 12.23 (i) awake;
- 12.24 (ii) located in the same building, in an attached building, or on a contiguous campus
12.25 with the facility in order to respond within a reasonable amount of time;
- 12.26 (iii) capable of communicating with residents;
- 12.27 (iv) capable of providing or summoning the appropriate assistance; and
- 12.28 (v) capable of following directions; ~~and~~
- 12.29 (13) offer to provide or make available at least the following services to residents:
- 12.30 (i) at least three nutritious meals daily with snacks available seven days per week,
12.31 according to the recommended dietary allowances in the United States Department of

13.1 Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables. The
 13.2 following apply:

13.3 (A) menus must be prepared at least one week in advance, and made available to all
 13.4 residents. The facility must encourage residents' involvement in menu planning. Meal
 13.5 substitutions must be of similar nutritional value if a resident refuses a food that is served.
 13.6 Residents must be informed in advance of menu changes;

13.7 (B) food must be prepared and served according to the Minnesota Food Code, Minnesota
 13.8 Rules, chapter 4626; and

13.9 (C) the facility cannot require a resident to include and pay for meals in their contract;

13.10 (ii) weekly housekeeping;

13.11 (iii) weekly laundry service;

13.12 (iv) upon the request of the resident, provide direct or reasonable assistance with arranging
 13.13 for transportation to medical and social services appointments, shopping, and other recreation,
 13.14 and provide the name of or other identifying information about the persons responsible for
 13.15 providing this assistance;

13.16 (v) upon the request of the resident, provide reasonable assistance with accessing
 13.17 community resources and social services available in the community, and provide the name
 13.18 of or other identifying information about persons responsible for providing this assistance;

13.19 (vi) provide culturally sensitive programs; and

13.20 (vii) have a daily program of social and recreational activities that are based upon
 13.21 individual and group interests, physical, mental, and psychosocial needs, and that creates
 13.22 opportunities for active participation in the community at large; and

13.23 (14) provide staff access to an on-call registered nurse 24 hours per day, seven days per
 13.24 week.

13.25 **EFFECTIVE DATE.** This section is effective August 1, 2021.

13.26 Sec. 14. Minnesota Statutes 2020, section 144G.41, subdivision 3, is amended to read:

13.27 Subd. 3. **Infection control program.** (a) All assisted living facilities must establish and
 13.28 maintain an infection control program that complies with accepted health care, medical,
 13.29 and nursing standards for infection control.

13.30 (b) The facility's infection control program must be consistent with current guidelines
 13.31 from the national Centers for Disease Control and Prevention (CDC) for infection prevention

14.1 and control in long-term care facilities and, as applicable, for infection prevention and
 14.2 control in assisted living facilities.

14.3 (c) The facility must maintain written evidence of compliance with this subdivision.

14.4 **EFFECTIVE DATE.** This section is effective August 1, 2021.

14.5 Sec. 15. Minnesota Statutes 2020, section 144G.42, subdivision 9, is amended to read:

14.6 Subd. 9. **Tuberculosis prevention and control.** (a) The facility must establish and
 14.7 maintain a comprehensive tuberculosis infection control program according to the most
 14.8 current tuberculosis infection control guidelines issued by the United States Centers for
 14.9 Disease Control and Prevention (CDC), Division of Tuberculosis Elimination, as published
 14.10 in the CDC's Morbidity and Mortality Weekly Report (~~MMWR~~). The program must include
 14.11 a tuberculosis infection control plan that covers all paid and unpaid employees, contractors,
 14.12 students, and regularly scheduled volunteers. The commissioner shall provide technical
 14.13 assistance regarding implementation of the guidelines.

14.14 (b) The facility must maintain written evidence of compliance with this subdivision.

14.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

14.16 Sec. 16. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision
 14.17 to read:

14.18 Subd. 9a. **Communicable diseases.** A facility must follow current state requirements
 14.19 for prevention, control, and reporting of communicable diseases as defined in Minnesota
 14.20 Rules, parts 4605.7040, 4605.7044, 4605.7050, 4605.7075, 4605.7080, and 4605.7090.

14.21 **EFFECTIVE DATE.** This section is effective August 1, 2021.

14.22 Sec. 17. Minnesota Statutes 2020, section 144G.45, subdivision 2, is amended to read:

14.23 Subd. 2. **Fire protection and physical environment.** (a) Each assisted living facility
 14.24 must ~~have a comprehensive fire protection system that includes~~ comply with the State Fire
 14.25 Code in Minnesota Rules, chapter 7511, and:

14.26 ~~(1) protection throughout by an approved supervised automatic sprinkler system according~~
 14.27 ~~to building code requirements established in Minnesota Rules, part 1305.0903, or smoke~~
 14.28 ~~detectors in each occupied room installed and maintained in accordance with the National~~
 14.29 ~~Fire Protection Association (NFPA) Standard 72; for dwellings or sleeping units, as defined~~
 14.30 in the State Fire Code:

- 15.1 (i) provide smoke alarms in each room used for sleeping purposes;
- 15.2 (ii) provide smoke alarms outside each separate sleeping area in the immediate vicinity
- 15.3 of bedrooms;
- 15.4 (iii) provide smoke alarms on each story within a dwelling unit, including basements,
- 15.5 but not including crawl spaces and unoccupied attics;
- 15.6 (iv) where more than one smoke alarm is required within an individual dwelling unit or
- 15.7 sleeping unit, interconnect all smoke alarms so that actuation of one alarm causes all alarms
- 15.8 in the individual dwelling unit or sleeping unit to operate; and
- 15.9 (v) ensure the power supply for existing smoke alarms complies with the State Fire
- 15.10 Code, except that newly introduced smoke alarms in existing buildings may be battery
- 15.11 operated;
- 15.12 ~~(2) portable fire extinguishers installed and tested in accordance with the NFPA Standard~~
- 15.13 ~~10; and~~ install and maintain portable fire extinguishers in accordance with the State Fire
- 15.14 Code;
- 15.15 (3) install portable fire extinguishers having a minimum 2-A:10-B:C rating within Group
- 15.16 R-3 occupancies, as defined by the State Fire Code, located so that the travel distance to
- 15.17 the nearest fire extinguisher does not exceed 75 feet, and maintained in accordance with
- 15.18 the State Fire Code; and
- 15.19 ~~(3)~~ (4) keep the physical environment, including walls, floors, ceiling, all furnishings,
- 15.20 grounds, systems, and equipment that is kept in a continuous state of good repair and
- 15.21 operation with regard to the health, safety, comfort, and well-being of the residents in
- 15.22 accordance with a maintenance and repair program.
- 15.23 ~~(b) Fire drills in assisted living facilities shall be conducted in accordance with the~~
- 15.24 ~~residential board and care requirements in the Life Safety Code, except that fire drills in~~
- 15.25 ~~secured dementia care units shall be conducted in accordance with section 144G.81,~~
- 15.26 ~~subdivision 2.~~ Each assisted living facility shall develop and maintain fire safety and
- 15.27 evacuation plans. The plans shall include but are not limited to:
- 15.28 (1) location and number of resident sleeping rooms;
- 15.29 (2) employee actions to be taken in the event of a fire or similar emergency;
- 15.30 (3) fire protection procedures necessary for residents; and

16.1 (4) procedures for resident movement, evacuation, or relocation during a fire or similar
 16.2 emergency including the identification of unique or unusual resident needs for movement
 16.3 or evacuation.

16.4 (c) Employees of assisted living facilities shall receive training on the fire safety and
 16.5 evacuation plans upon hiring and at least twice per year thereafter.

16.6 (d) Fire safety and evacuation plans shall be readily available at all times within the
 16.7 facility.

16.8 (e) Residents who are capable of assisting in their own evacuation shall be trained on
 16.9 the proper actions to take in the event of a fire to include movement, evacuation, or relocation.
 16.10 The training shall be made available to residents at least once per year.

16.11 (f) Evacuation drills are required for employees twice per year per shift with at least one
 16.12 evacuation drill every other month. Evacuation of the residents is not required. Fire alarm
 16.13 system activation is not required to initiate the evacuation drill.

16.14 ~~(e)~~ (g) Existing construction or elements, including assisted living facilities that were
 16.15 registered as housing with services establishments under chapter 144D prior to August 1,
 16.16 2021, shall be permitted to ~~be continued~~ continue in use provided such use does not constitute
 16.17 a distinct hazard to life. Any existing elements that an authority having jurisdiction deems
 16.18 a distinct hazard to life must be corrected. The facility must document in the facility's records
 16.19 any actions taken to comply with a correction order, and must submit to the commissioner
 16.20 for review and approval prior to correction.

16.21 **EFFECTIVE DATE.** This section is effective August 1, 2021.

16.22 Sec. 18. Minnesota Statutes 2020, section 144G.45, subdivision 4, is amended to read:

16.23 Subd. 4. **Design requirements.** (a) All assisted living facilities with six or more residents
 16.24 must meet the provisions relevant to assisted living facilities in the ~~most current~~ 2018 edition
 16.25 of the Facility Guidelines Institute "Guidelines for Design and Construction of Residential
 16.26 Health, Care and Support Facilities" and of adopted rules. This minimum design standard
 16.27 must be met for all new licenses; or new construction, ~~modifications, renovations, alterations,~~
 16.28 ~~changes of use, or additions.~~ In addition to the guidelines, assisted living facilities shall
 16.29 provide the option of a bath in addition to a shower for all residents.

16.30 (b) If the commissioner decides to update the edition of the guidelines specified in
 16.31 paragraph (a) for purposes of this subdivision, the commissioner must notify the chairs and
 16.32 ranking minority members of the legislative committees and divisions with jurisdiction over
 16.33 health care and public safety of the planned update by January 15 of the year in which the

17.1 new edition will become effective. Following notice from the commissioner, the new edition
 17.2 shall become effective for assisted living facilities beginning August 1 of that year, unless
 17.3 provided otherwise in law. The commissioner shall, by publication in the State Register,
 17.4 specify a date by which facilities must comply with the updated edition. The date by which
 17.5 facilities must comply shall not be sooner than six months after publication of the
 17.6 commissioner's notice in the State Register.

17.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.8 Sec. 19. Minnesota Statutes 2020, section 144G.45, subdivision 5, is amended to read:

17.9 Subd. 5. **Assisted living facilities; Life Safety Code.** (a) All assisted living facilities
 17.10 with six or more residents must meet the applicable provisions of the ~~most current~~ 2018
 17.11 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care
 17.12 Occupancies chapter. The minimum design standard shall be met for all new licenses, or
 17.13 new construction, ~~modifications, renovations, alterations, changes of use, or additions.~~

17.14 (b) If the commissioner decides to update the Life Safety Code for purposes of this
 17.15 subdivision, the commissioner must notify the chairs and ranking minority members of the
 17.16 legislative committees and divisions with jurisdiction over health care and public safety of
 17.17 the planned update by January 15 of the year in which the new Life Safety Code will become
 17.18 effective. Following notice from the commissioner, the new edition shall become effective
 17.19 for assisted living facilities beginning August 1 of that year, unless provided otherwise in
 17.20 law. The commissioner shall, by publication in the State Register, specify a date by which
 17.21 facilities must comply with the updated Life Safety Code. The date by which facilities must
 17.22 comply shall not be sooner than six months after publication of the commissioner's notice
 17.23 in the State Register.

17.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.25 Sec. 20. Minnesota Statutes 2020, section 144G.50, subdivision 1, is amended to read:

17.26 Subdivision 1. **Contract required.** (a) An assisted living facility may not offer or provide
 17.27 housing or assisted living services to ~~a resident~~ any individual unless it has executed a
 17.28 written contract ~~with the resident.~~

17.29 (b) The contract must contain all the terms concerning the provision of:

17.30 (1) housing;

17.31 (2) assisted living services, whether provided directly by the facility or by management
 17.32 agreement or other agreement; and

18.1 (3) the resident's service plan, if applicable.

18.2 (c) A facility must:

18.3 (1) offer to prospective residents and provide to the Office of Ombudsman for Long-Term
18.4 Care a complete unsigned copy of its contract; and

18.5 (2) give a complete copy of any signed contract and any addendums, and all supporting
18.6 documents and attachments, to the resident promptly after a contract and any addendum
18.7 has been signed.

18.8 (d) A contract under this section is a consumer contract under sections 325G.29 to
18.9 325G.37.

18.10 (e) Before or at the time of execution of the contract, the facility must offer the resident
18.11 the opportunity to identify a designated representative according to subdivision 3.

18.12 (f) The resident must agree in writing to any additions or amendments to the contract.
18.13 Upon agreement between the resident and the facility, a new contract or an addendum to
18.14 the existing contract must be executed and signed.

18.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

18.16 Sec. 21. Minnesota Statutes 2020, section 144G.54, subdivision 4, is amended to read:

18.17 Subd. 4. **Burden of proof for appeals of termination.** (a) The facility bears the burden
18.18 of proof to establish by a preponderance of the evidence that the termination was permissible
18.19 if the appeal is brought on the ground listed in subdivision 2, clause (1) or (4).

18.20 (b) The resident bears the burden of proof to establish by a preponderance of the evidence
18.21 that the termination was not permissible if the appeal is brought on the ground listed in
18.22 subdivision 2, clause (2) or (3).

18.23 **EFFECTIVE DATE.** This section is effective August 1, 2021.

18.24 Sec. 22. Minnesota Statutes 2020, section 144G.81, subdivision 3, is amended to read:

18.25 Subd. 3. **Assisted living facilities with dementia care and secured dementia care**
18.26 **unit; Life Safety Code.** (a) All assisted living facilities with dementia care and a secured
18.27 dementia care unit must meet the applicable provisions of the ~~most current~~ 2018 edition of
18.28 the NFPA Standard 101, Life Safety Code, Healthcare (limited care) chapter. The minimum
18.29 design standards shall be met for all new licenses, or new construction, ~~modifications,~~
18.30 ~~renovations, alterations, changes of use, or additions.~~

19.1 (b) If the commissioner decides to update the Life Safety Code for purposes of this
19.2 subdivision, the commissioner must notify the chairs and ranking minority members of the
19.3 legislative committees and divisions with jurisdiction over health care and public safety of
19.4 the planned update by January 15 of the year in which the new Life Safety Code will become
19.5 effective. Following notice from the commissioner, the new edition shall become effective
19.6 for assisted living facilities with dementia care and a secured dementia care unit beginning
19.7 August 1 of that year, unless provided otherwise in law. The commissioner shall, by
19.8 publication in the State Register, specify a date by which these facilities must comply with
19.9 the updated Life Safety Code. The date by which these facilities must comply shall not be
19.10 sooner than six months after publication of the commissioner's notice in the State Register.

19.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.12 Sec. 23. Minnesota Statutes 2020, section 144G.92, subdivision 5, is amended to read:

19.13 Subd. 5. **Other laws.** Nothing in this section affects the rights and remedies available
19.14 ~~to a resident~~ under section 626.557, subdivisions 10, 17, and 20.

19.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

19.16 Sec. 24. **APPROPRIATION.**

19.17 \$281,000 in fiscal year 2021 is appropriated from the state government special revenue
19.18 fund to the Board of Executives for Long Term Services and Supports for board operations.
19.19 This is a onetime appropriation.

19.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.21 Sec. 25. **REVISOR INSTRUCTION.**

19.22 (a) The revisor of statutes, in consultation with the House Research Department, Office
19.23 of Senate Counsel, Research and Fiscal Analysis, and the Department of Health, shall make
19.24 necessary cross-reference changes and remove obsolete statutory cross-references in
19.25 Minnesota Statutes to conform with the changes resulting from the implementation and
19.26 effective date of assisted living licensure under Minnesota Statutes, sections 144G.08 to
19.27 144G.9999, and Laws 2019, chapter 60, before publication of the 2021 Statutes Supplement.

19.28 (b) The revisor, in consultation with the House Research Department, Office of Senate
19.29 Counsel, Research and Fiscal Analysis, and the Department of Health, may make technical
19.30 and other necessary changes to sentence structure to preserve the meaning of the text. The
19.31 revisor may make changes to Minnesota Statutes to incorporate statutory changes made by

20.1 other law in the 2021 regular legislative session. If a provision repealed in this act is also
20.2 amended in the 2021 regular legislative session by other law, the revisor shall give effect
20.3 to the amendment and renumber it in chapter 144G.

20.4 **EFFECTIVE DATE.** This section is effective the day following enactment.

20.5 Sec. 26. **REPEALER.**

20.6 Minnesota Statutes 2020, section 144G.81, subdivision 2, is repealed.

20.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

**144G.81 ADDITIONAL REQUIREMENTS FOR ASSISTED LIVING FACILITIES
WITH SECURED DEMENTIA CARE UNITS.**

Subd. 2. **Fire drills.** Fire drills in secured dementia care units in assisted living facilities with dementia care shall be conducted in accordance with the NFPA Standard 101, Life Safety Code, Healthcare (limited care) chapter.