



Health Regulation Division  
Summary of 2020 Legislative Transition Proposals  
Affecting Assisted Living and Home Care Licensing Statutes

**December 9, 2020**

**SUMMARY OF PROPOSED CHANGES – BRIEF DESCRIPTIONS**

**1. 144.6512 RETALIATION IN NURSING HOMES PROHIBITED, subd. 6. Other laws.**

Adds language protecting residents from retaliation that was thought to have been omitted in error in 2019. As a result this language has been modified for further clarification related to this issue.

**2. 144G.07 RETALIATION PROHIBITED, subd. 6. Other laws.**

Adds language protecting residents from retaliation that was thought to have been omitted in error in 2019. As a result this language has been modified for further clarification related to this issue.

**3. 144G.08 DEFINITIONS, subd. 4a. Assisted living facility campus.**

Adds a new subdivision to clarify the definition of “Assisted living facility license campus” to provide clarity for licensing purposes.

**4. 144G.08 DEFINITIONS, subd. 7. Assisted living facility.**

Clarifies the list of programs not subject to licensure as an assisted living facility to include, any establishment that exclusively or primarily serves as a shelter or temporary victims of domestic or any other form of violence.

**5. 144G.08 DEFINITIONS, subd. 7a. Assisted living facility license.**

Adds a new subdivision to clarify the definition of “Assisted living facility license” so that one license will be issued for a location at a single address. The definition is updated to require a single license for “campus” based programs with multiple assisted living facility buildings located on the same or adjacent properties.

**6. 144G.08 DEFINITIONS, subd. 9. Assisted living services.**

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Corrects term referring to diets from “modified” to “specialized.”

**7. 144G.08 DEFINITIONS, subd. 23. Direct ownership interest.**

Corrects term referring to direct owners from “organization” to “legal entity” to be consistent with references throughout 144G.

**8. 144G.08 DEFINITIONS, subd. 59. Resident.**

Clarifies term referring to resident to include “an adult” to be consistent with definitions within and references throughout 144G.

**9. 144G.10 ASSISTED LIVING FACILITY LICENSE, subd. 1. License required.**

Clarifies the process by which applicants for assisted living licensure shall receive an assisted living license. Provides statutory guidance to how “assisted living campus” entities shall be licensed under the chapter.

**10. 144G.10 ASSISTED LIVING FACILITY LICENSE, subd 1a. Assisted living director license required.**

Adds a new subdivision to licensing requirements to clearly require an assisted living facility to employ an assisted living director permitted or licensed by the Board of Executives for Long-Term Services and Supports.

**11. [144G.191] ASSISTED LIVING FACILITY LICENSING IMPLEMENTION, PROVISIONAL LICENSEES, AND TRANSITION PERIOD FOR CURRENT PROVIDERS.**

Adds a new section to include transition language for moving from home care licensing with housing with services registration to assisted living licensure. Specifies fee prorations, creates black-out periods for no new home care providers licensing applications, housing with services providers, or Changes of Ownership (CHOWs) before the new assisted living licensing process begins, and create a longer time period for applicants to submit fees and applications to apply for the new assisted living licenses. Includes language to address construction projects started before August 1, 2021, but not completed until afterwards and the fact that the old standards apply, not the new standards.

Subd. 1. Provisional licenses.

Subd. 2. New construction; building permit.

Subd. 3. Current comprehensive home care providers; provision of assisted living services.

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Subd. 4. Housing with services establishment registration; conversion to an assisted living facility license.

Subd. 5. Conversion to assisted living licensure; renewal periods; prorated licenses.

**12. 144G.41 MINIMUM ASSISTED LIVING FACILITY REQUIREMENTS, subd. 1. Minimum requirements.**

Adds the requirement for assisted living facilities to provide staff access to an on-call registered nurse 24 hours per day, 7 days per week.

**13. 144G.41 MINIMUM ASSISTED LIVING FACILITY REQUIREMENTS, subd. 3. Infection control program.**

Adds requirements for infection control program to be consistent with current guidelines from the Centers for Disease Control and Prevention. Also requires written evidence of compliance of this requirement.

**14. 144G.42 BUSINESS OPERATION, subd. 9. Tuberculosis prevention and control.**

Adds a requirement assisted living facilities must maintain written evidence of compliance with Tuberculosis prevention and control programing.

**15. 144G.42 BUSINESS OPERATION, subd. 9a. Communicable diseases.**

Adds a new subdivision requiring license holders to comply with state requirements for communicable disease prevention, control, and reporting.

**16-18. 144G.45 MINIMUM SITE, PHYSICAL ENVIRONMENT, AND FIRE SAFETY REQUIREMENTS, subd. 2, 4, and 5.**

Clarifies fire protection requirements applicable to all assisted living facilities and better aligns with Minnesota state fire code.

--Subd. 2. Fire protection and physical environment – Clarifies scope and applicability of state fire code requirements.

--Subd. 4. Design requirements – Clarifies the reference to the edition of the life safety code required for assisted living facilities. Deletes confusing, duplicative language already defined within the chapter. Lastly, clarifies the effective date for this subdivision change.

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--Subd. 5. Assisted living facilities; Life Safety Code. – Clarifies the reference to the edition of the life safety code required for assisted living facilities. Deletes confusing, duplicative language already defined within the chapter. Lastly, clarifies the effective date for this subdivision change.

**19. 144G.50 ASSISTED LIVING CONTRACT REQUIREMENTS, subd. 1. Contract required.**

Clarifies that future assisted living facilities may not offer or provide assisted living service(s) to any individual unless that person has executed an assisted living contract with the assisted living facility.

**20. 144G.54 APPEALS OF CONTRACT TERMINATIONS, subd. 4. Burden of proof for appeals of termination.**

Fixes an error about the burden of proof required for resident appeals.

**21. 144G.81 ADDITIONAL LICENSING REQUIREMENTS FOR ASSISTED LIVING FACILITIES WITH DEMENTIA CARE, subd. 3. Assisted living facilities with dementia care and secured dementia care unit; Life Safety Code.**

Clarifies the reference to the edition of the life safety code required for assisted living facilities. Deletes confusing, duplicative language already defined within the chapter. Lastly, clarifies the effective date for this subdivision change.

**22. 144G.92 RETALIATION PROHIBITED, subd. 5. Other laws.**

Adds language protecting residents from retaliation that was thought to have been omitted in error in 2019. As a result this language has been modified for further clarification related to this issue.

**23. REVISOR INSTRUCTIONS.**

Instructs the revisor of statutes, in consultation with the House Research Department, the Office of Senate Counsel, Research, and Fiscal Analysis, and the Department of Health, to prepare legislation for the Department of Health for introduction during the legislative session starting January 2021. The purpose of the legislation will be to make necessary cross-reference changes and remove statutory cross-references.

**24. REPEALER.**

Repeals a duplicative subdivision resulting from changes to section 144G.45, subd. 2 above.