

110.1

ARTICLE 17

110.2

CONTINUING CARE

110.3 Section 1. Minnesota Statutes 2008, section 144D.03, subdivision 2, is amended to
110.4 read:

110.5 Subd. 2. **Registration information.** The establishment shall provide the following
110.6 information to the commissioner in order to be registered:

110.7 (1) the business name, street address, and mailing address of the establishment;

110.8 (2) the name and mailing address of the owner or owners of the establishment and, if
110.9 the owner or owners are not natural persons, identification of the type of business entity
110.10 of the owner or owners, and the names and addresses of the officers and members of the
110.11 governing body, or comparable persons for partnerships, limited liability corporations, or
110.12 other types of business organizations of the owner or owners;

110.13 (3) the name and mailing address of the managing agent, whether through
110.14 management agreement or lease agreement, of the establishment, if different from the
110.15 owner or owners, and the name of the on-site manager, if any;

110.16 (4) verification that the establishment has entered into a housing with services
110.17 contract, as required in section 144D.04, with each resident or resident's representative;

110.18 (5) verification that the establishment is complying with the requirements of section
110.19 325F.72, if applicable;

110.20 (6) the name and address of at least one natural person who shall be responsible
110.21 for dealing with the commissioner on all matters provided for in sections 144D.01 to
110.22 144D.06, and on whom personal service of all notices and orders shall be made, and who
110.23 shall be authorized to accept service on behalf of the owner or owners and the managing
110.24 agent, if any; and

110.25 (7) the signature of the authorized representative of the owner or owners or, if
110.26 the owner or owners are not natural persons, signatures of at least two authorized
110.27 representatives of each owner, one of which shall be an officer of the owner; and

110.28 (8) whether services are included in the base rate to be paid by the resident.

110.29 Personal service on the person identified under clause (6) by the owner or owners in
110.30 the registration shall be considered service on the owner or owners, and it shall not be a
110.31 defense to any action that personal service was not made on each individual or entity. The
110.32 designation of one or more individuals under this subdivision shall not affect the legal
110.33 responsibility of the owner or owners under sections 144D.01 to 144D.06.

110.34 Sec. 2. Minnesota Statutes 2008, section 144D.04, subdivision 2, is amended to read:

- 111.1 Subd. 2. **Contents of contract.** A housing with services contract, which need not be
111.2 entitled as such to comply with this section, shall include at least the following elements
111.3 in itself or through supporting documents or attachments:
- 111.4 (1) the name, street address, and mailing address of the establishment;
- 111.5 (2) the name and mailing address of the owner or owners of the establishment and, if
111.6 the owner or owners is not a natural person, identification of the type of business entity
111.7 of the owner or owners;
- 111.8 (3) the name and mailing address of the managing agent, through management
111.9 agreement or lease agreement, of the establishment, if different from the owner or owners;
- 111.10 (4) the name and address of at least one natural person who is authorized to accept
111.11 service of process on behalf of the owner or owners and managing agent;
- 111.12 (5) a statement describing the registration and licensure status of the establishment
111.13 and any provider providing health-related or supportive services under an arrangement
111.14 with the establishment;
- 111.15 (6) the term of the contract;
- 111.16 (7) a description of the services to be provided to the resident in the base rate to be
111.17 paid by resident, including a delineation of the portion of the base rate that constitutes rent
111.18 and a delineation of charges for each service included in the base rate;
- 111.19 (8) a description of any additional services, including home care services, available
111.20 for an additional fee from the establishment directly or through arrangements with the
111.21 establishment, and a schedule of fees charged for these services;
- 111.22 (9) a description of the process through which the contract may be modified,
111.23 amended, or terminated;
- 111.24 (10) a description of the establishment's complaint resolution process available
111.25 to residents including the toll-free complaint line for the Office of Ombudsman for
111.26 Long-Term Care;
- 111.27 (11) the resident's designated representative, if any;
- 111.28 (12) the establishment's referral procedures if the contract is terminated;
- 111.29 (13) requirements of residency used by the establishment to determine who may
111.30 reside or continue to reside in the housing with services establishment;
- 111.31 (14) billing and payment procedures and requirements;
- 111.32 (15) a statement regarding the ability of residents to receive services from service
111.33 providers with whom the establishment does not have an arrangement;
- 111.34 (16) a statement regarding the availability of public funds for payment for residence
111.35 or services in the establishment; and

112.1 (17) a statement regarding the availability of and contact information for
112.2 long-term care consultation services under section 256B.0911 in the county in which the
112.3 establishment is located.

112.4 **Sec. 3. [144D.08] UNIFORM CONSUMER INFORMATION GUIDE.**

112.5 All housing with services establishments shall make available to all prospective
112.6 and current residents information consistent with the uniform format and the required
112.7 components adopted by the commissioner under section 144G.06.

112.8 **Sec. 4. [144D.09] TERMINATION OF LEASE.**

112.9 The housing with services establishment shall include with notice of termination
112.10 of lease information about how to contact the ombudsman for long-term care, including
112.11 the address and phone number along with a statement of how to request problem-solving
112.12 assistance.

112.13 Sec. 5. Minnesota Statutes 2008, section 144G.06, is amended to read:

112.14 **144G.06 UNIFORM CONSUMER INFORMATION GUIDE.**

112.15 (a) The commissioner of health shall establish an advisory committee consisting
112.16 of representatives of consumers, providers, county and state officials, and other
112.17 groups the commissioner considers appropriate. The advisory committee shall present
112.18 recommendations to the commissioner on:

112.19 (1) a format for a guide to be used by individual providers of assisted living, as
112.20 defined in section 144G.01, that includes information about services offered by that
112.21 provider, which services may be covered by Medicare, service costs, and other relevant
112.22 provider-specific information, as well as a statement of philosophy and values associated
112.23 with assisted living, presented in uniform categories that facilitate comparison with guides
112.24 issued by other providers; and

112.25 (2) requirements for informing assisted living clients, as defined in section 144G.01,
112.26 of their applicable legal rights.

112.27 (b) The commissioner, after reviewing the recommendations of the advisory
112.28 committee, shall adopt a uniform format for the guide to be used by individual providers,
112.29 and the required components of materials to be used by providers to inform assisted
112.30 living clients of their legal rights, and shall make the uniform format and the required
112.31 components available to assisted living providers.

117.9 Sec. 8. Minnesota Statutes 2009 Supplement, section 256.975, subdivision 7, is
117.10 amended to read:

117.11 Subd. 7. **Consumer information and assistance and long-term care options**
117.12 **counseling; Senior LinkAge Line.** (a) The Minnesota Board on Aging shall operate a
117.13 statewide service to aid older Minnesotans and their families in making informed choices
117.14 about long-term care options and health care benefits. Language services to persons with
117.15 limited English language skills may be made available. The service, known as Senior
117.16 LinkAge Line, must be available during business hours through a statewide toll-free
117.17 number and must also be available through the Internet.

117.18 (b) The service must provide long-term care options counseling by assisting older
117.19 adults, caregivers, and providers in accessing information and options counseling about
117.20 choices in long-term care services that are purchased through private providers or available
117.21 through public options. The service must:

117.22 (1) develop a comprehensive database that includes detailed listings in both
117.23 consumer- and provider-oriented formats;

117.24 (2) make the database accessible on the Internet and through other telecommunication
117.25 and media-related tools;

117.26 (3) link callers to interactive long-term care screening tools and make these tools
117.27 available through the Internet by integrating the tools with the database;

117.28 (4) develop community education materials with a focus on planning for long-term
117.29 care and evaluating independent living, housing, and service options;

117.30 (5) conduct an outreach campaign to assist older adults and their caregivers in
117.31 finding information on the Internet and through other means of communication;

117.32 (6) implement a messaging system for overflow callers and respond to these callers
117.33 by the next business day;

117.34 (7) link callers with county human services and other providers to receive more
117.35 in-depth assistance and consultation related to long-term care options;

- 118.1 (8) link callers with quality profiles for nursing facilities and other providers
118.2 developed by the commissioner of health;
- 118.3 (9) incorporate information about the availability of housing options, as well as
118.4 registered housing with services and consumer rights within the MinnesotaHelp.info
118.5 network long-term care database to facilitate consumer comparison of services and costs
118.6 among housing with services establishments and with other in-home services and to
118.7 support financial self-sufficiency as long as possible. Housing with services establishments
118.8 and their arranged home care providers shall provide information ~~to the commissioner of~~
118.9 ~~human services that is consistent with information required by the commissioner of health~~
118.10 ~~under section 144G.06, the Uniform Consumer Information Guide that will facilitate price~~
118.11 ~~comparisons, including delineation of charges for rent and for services available. The~~
118.12 ~~commissioners of health and human services shall align the data elements required by~~
118.13 ~~section 144G.06, the Uniform Consumer Information Guide, and this section to provide~~
118.14 ~~consumers standardized information and ease of comparison of long-term care options.~~
118.15 The commissioner of human services shall provide the data to the Minnesota Board on
118.16 Aging for inclusion in the MinnesotaHelp.info network long-term care database;
- 118.17 (10) provide long-term care options counseling. Long-term care options counselors
118.18 shall:
- 118.19 (i) for individuals not eligible for case management under a public program or public
118.20 funding source, provide interactive decision support under which consumers, family
118.21 members, or other helpers are supported in their deliberations to determine appropriate
118.22 long-term care choices in the context of the consumer's needs, preferences, values, and
118.23 individual circumstances, including implementing a community support plan;
- 118.24 (ii) provide Web-based educational information and collateral written materials to
118.25 familiarize consumers, family members, or other helpers with the long-term care basics,
118.26 issues to be considered, and the range of options available in the community;
- 118.27 (iii) provide long-term care futures planning, which means providing assistance to
118.28 individuals who anticipate having long-term care needs to develop a plan for the more
118.29 distant future; and
- 118.30 (iv) provide expertise in benefits and financing options for long-term care, including
118.31 Medicare, long-term care insurance, tax or employer-based incentives, reverse mortgages,
118.32 private pay options, and ways to access low or no-cost services or benefits through
118.33 volunteer-based or charitable programs; and
- 118.34 (11) using risk management and support planning protocols, provide long-term care
118.35 options counseling to current residents of nursing homes deemed appropriate for discharge
118.36 by the commissioner. In order to meet this requirement, the commissioner shall provide

- 119.1 designated Senior LinkAge Line contact centers with a list of nursing home residents
119.2 appropriate for discharge planning via a secure Web portal. Senior LinkAge Line shall
119.3 provide these residents, if they indicate a preference to receive long-term care options
119.4 counseling, with initial assessment, review of risk factors, independent living support
119.5 consultation, or referral to:
- 119.6 (i) long-term care consultation services under section 256B.0911;
 - 119.7 (ii) designated care coordinators of contracted entities under section 256B.035 for
119.8 persons who are enrolled in a managed care plan; or
 - 119.9 (iii) the long-term care consultation team for those who are appropriate for relocation
119.10 service coordination due to high-risk factors or psychological or physical disability.