

1 **4659.XXXX PROCEDURES FOR DISCHARGE PLANNING AND ENSURING RESIDENT**
2 **APPEAL RIGHTS**

3 **Subp. 1. Notice of Meeting.**

4 A. In accordance with Minn. Stat. § 144G.52, subd. 2, before issuing a notice of termination of a
5 resident's assisted living contract, the assisted living facility shall provide written notice to the
6 resident and the resident's legal representative and designated representative at least five
7 business days before the meeting.

8 B. In accordance with Minn. Stat. § 144G.52, subd. 2, for residents who receive home and
9 community based waiver services under Minn. Stat. §§ 256B.0915 and 256B.49, the facility
10 must provide written notice to the resident's case manager at least five business days before the
11 meeting.

12 C. In addition to the notice requirements in Minn. Stat. § 144G.52, subd. 2, the written notice shall
13 include the following information:

14 1) the time, date, and location of the meeting;

15 2) a detailed explanation of the reason(s) for the proposed termination of a resident's assisted
16 living contract;

17 3) a list of individuals from the facility who will attend the meeting;

18 4) explanation that the resident may invite family members, relevant health professionals, and
19 other persons of the resident's choosing to participate in the meeting;

20 5) contact information for the Office of Ombudsman for Long-Term Care and the Office for
21 Ombudsman for Mental Health and Developmental Disabilities and a statement that the
22 Ombudsman offices provide advocacy services to residents;

23 6) the name and contact information of a person at the facility whom the resident can contact
24 about the meeting and any scheduling issues relating to the meeting;

25 7) attendees can request reasonable accommodations for a communication disability or if they
26 speak a language other than English; and

27 8) notice that if the resident's housing or services are terminated, the resident has the right to
28 appeal under Minn. Stat. § 144G.54.

1 D. If the date, time, or location of the meeting is changed after the facility provided written notice in
2 Items A and B, the facility must provide written notice to the resident, resident’s legal
3 representative, designated representative, and case manager, if any, of the change.

4 **Subp. 2. Date of Meeting.** The meeting shall take place at least seven calendar days before the facility
5 issues a notice of termination of a resident’s assisted living contract.

6 **Subp. 3. Identifying and Offering Accommodations, Modifications, and Alternatives.** In addition to
7 the requirements in Minn. Stat. § 144G.52, subd. 2(a)(2), at the meeting, the facility must:

8 A. identify and explain in detail the issue(s) that are the basis for the termination of the resident’s
9 assisted living contract; and

10 B. in collaboration with the resident, the resident’s legal representative, designated representative,
11 and case manager, if any, and any other individuals invited by the resident, identify and offer any
12 potential reasonable accommodations, modifications, interventions, or alternatives that can
13 address the issues identified in Item A.

14 **Subp. 4. Notice of Meeting for Emergency Relocation.**

15 A. According to Minn. Stat. § 144G.52, subd. 9, when the facility uses the telephone, video, or other
16 means of communication to conduct and participate in a meeting regarding a resident’s
17 emergency relocation, the facility must ensure that the resident, resident’s legal representative,
18 designated representative, and case manager, if any, are able to participate in the meeting.

19 B. The facility must issue the notice in Subpart 1 at least 24 hours in advance of the meeting.

20 C. The facility must include detailed instructions in the notice in Subpart 1 on how to access the
21 means of communication for the meeting.

22 **Subp. 5. Summary of Meeting Outcomes.**

23 A. Within 24 hours after the meeting, the facility must provide the resident with a written summary
24 of the outcomes of the meeting, including any agreements reached concerning any
25 accommodation, modification, intervention, or alternative that will be used in order to avoid
26 termination of the resident’s assisted living contract.

27 B. Any accommodation, modification, intervention, or alternative that the parties agree to must
28 comply with applicable federal, state, and local laws and regulations.

1 **Subp. 6. Facility Obligation to Issue Termination Notice.** Within 24 hours after the meeting, the
2 facility must issue the termination notice to the resident if it is determined at the meeting held under
3 Subpart 3 that the resident will move from the facility or no longer receive services from the facility.

4 **Subp. 7. Termination Process.** When a facility terminates a resident’s housing or services, the facility
5 must follow the coordinated move process as specified in Minn. Stat. § 144G.55.

6 **Subp 8. Methods of Providing Notice.** A facility shall provide written notice of the termination of the
7 resident’s assisted living contract by personal delivery or certified mail.

8 **Subp. 9. Resident Relocation Evaluation.** After the meeting described in Minn. Stat. 144G.52, subd.
9 2, is held and a resident plans to move out of the facility, the licensee shall prepare for the resident a
10 relocation evaluation of the needs of that resident, which shall:

11 A. take into account the resident’s current service plan as well as the needs and choices of the
12 resident; and

13 B. identify safe and appropriate housing and, if the resident receives services, an appropriate
14 service provider for the resident that is within reasonably close geographic proximity of the
15 facility and resident availability at the provider.

16 **Subp. 10. Resident Relocation Plan.**

17 A. In accordance with Minn. Stat. § 144G.55, subd. 3, the facility shall hold a planning conference
18 for the resident in order to develop a resident relocation plan in collaboration with the resident
19 and the resident’s legal representative, designated representative, case manager, if any, and other
20 individuals invited by the resident.

21 B. The resident relocation plan will take into account the relocation evaluation developed in Subpart
22 9.

23 C. The resident relocation plan must also address:

24 1) the date and time of the resident’s move;

25 2) how the resident’s personal property will be transported and the resident’s transportation to
26 the new housing provider;

27 3) the facility’s policy of storing and caring for a resident’s belongings;

28 4) the steps to assist the resident to adjust to his or her new living environment;

- 1 5) the steps for ensuring the safe and proper transfer of the resident’s medications and durable
2 medical equipment;
- 3 6) arrangements that have been made for the resident’s follow-up care and meals;
- 4 7) a plan for the transfer and reconnection of phone and internet service, if any; and
- 5 8) how moving expenses will be paid.

6 D. The facility shall implement the resident relocation plan developed under Item A and comply
7 with the coordinated move requirements in Minn. Stat. § 144G.55.

8 **Subp. 11. Information Regarding Resident Relocation to Receiving Provider.** In addition to the
9 requirements listed in Minn. Stat. § 144G.43, subd. 4, and with the resident’s consent, the facility shall
10 provide in writing to the resident’s receiving facility or other service provider the following information:

- 11 A. the name and address of the assisted living facility, the dates of the resident’s admission and
12 discharge or transfer or relocation, and the name and address of a person at the facility to contact
13 for additional information;
- 14 B. names and addresses of the resident’s significant social or community contacts, if known;
- 15 C. the resident’s most recent service plan; if the resident has received services from the facility; and
- 16 D. the reason for the resident’s relocation.

17 **Subp. 12. Resident Discharge Summary.** When the facility anticipates discharge, the facility will
18 provide the resident with a written discharge summary that includes, but is not limited to the following:

- 19 A. a synopsis of the resident’s stay that includes, but is not limited to, diagnoses, course of
20 illness/treatment or therapy, and pertinent lab, radiology, and consultation results;
- 21 B. a final summary of the resident’s status from the latest assessment or review under Minn. Stat. §
22 144G.70, if applicable, at the time of discharge that is available for release to authorized persons
23 and agencies, with the consent of the resident or resident’s legal representative or designated
24 representative;
- 25 C. reconciliation of all pre-discharge medications with the resident’s post-discharge prescribed and
26 over-the-counter medications; and

1 D. a post-discharge plan of care that is developed with the participation of the resident and, with the
2 resident's consent, the resident's representative(s), which will assist the resident to adjust to his
3 or her new living environment. The post-discharge plan of care must indicate where the
4 individual plans to reside, any arrangements that have been made for the resident's follow-up
5 care and any post-discharge medical and non-medical services.

6 **Subp. 13. Services Pending Appeal.** In accordance with Minn. Stat. § 144G.54, subd. 6, the assisted
7 living facility shall contact the resident's case manager, if any, regarding the resident's contracting of
8 additional services while the resident appeals the termination of his or her assisted living contract.

9 **Subp. 14. Expedited Termination**

10 A. If the facility seeks expedited termination of a resident's housing and/or services under Minn.
11 Stat. § 144G.52, subd. 5, the facility must follow the requirements of this rule part.

12 B. If the facility seeks an expedited termination on the basis of Minn. Stat. 144G.52, subd. 5(b)(2),
13 the facility must provide the assessment that forms the basis of the expedited termination, and
14 include the name and contact information of any medical professionals who performed the
15 assessment(s).