# Minnesota Department of Health

Assisted Living Webinar| June 23, 2022

PROTECTING, MAINTAINING AND IMPROVING THE HEALTH OF ALL MINNESOTANS

- **Participants are muted.**

- **To ask a question** Click on the chat bubble to open the chat, select Everyone, and ask a question. Please note that questions sent to panelists directly will not be answered as individual chat boxes are not checked.

- **We will answer** as many questions as we can at the end of the presentation. Please ask questions related to the agenda topics only.

- **Please be respectful.**
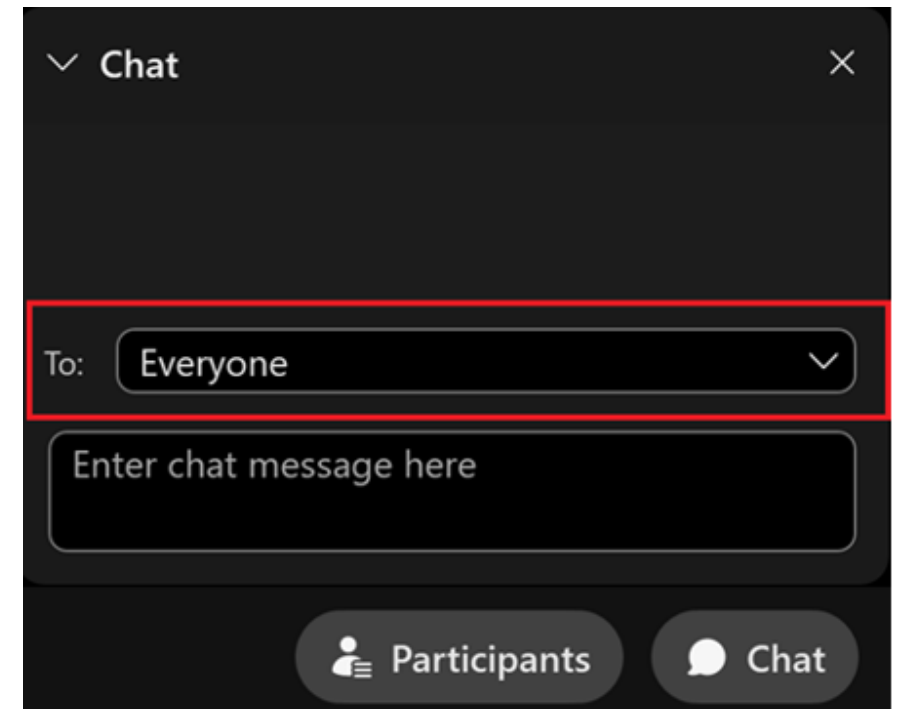
m**1** DEPARTMENT OF HEALTH

- Fees and Fines

- Tips and Tricks

- Capacity Changes

- Legislative Updates

- Assisted Living Application Updates/Printing

Fees & Fines

What happens if my license expires on July 31, 2022, and I don't submit my application until **after July 1st?**

A: $200 Fine

- Renewal applications must be submitted at least 60 calendar days before expiration of the license on 7/31/22 ([144G.17 (1)](#))

- There is a **$200 penalty** for submitting a renewal application less than 30 days prior to the expiration date of the license or after the license has expired ([144G.12 Subd. 4 (a)](#))

What happens if my license expires on July 31, 2022, and I don't submit
my application until
after August 1st?

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A: $250/day Fine

- Renewal applications must be submitted at least 60 calendar days before expiration of the license on 7/31/22 (144G.17 (1))

- There is a **$250 penalty per day** that the licensee operates after expiration of the license and before the renewal license is issued (144G.12 Subd. 4 (a))

- This fine is in addition to the $200 fine for submitting the application after July 1st
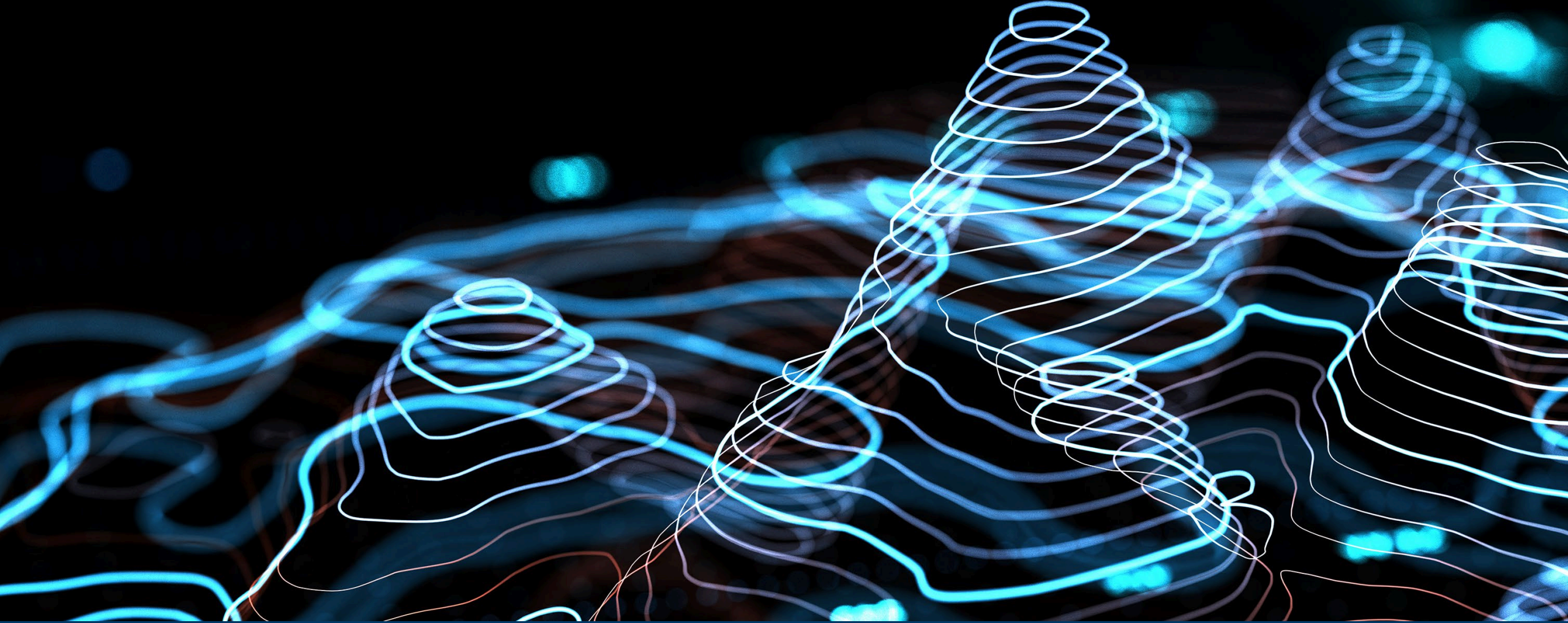
Tips & Tricks

Now that I am renewing
my license, who needs to receive
an updated **UDALSA**?

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Updated UDALSA's go to:

- MDH = YES

- Residents = *If* resident is affected by removal of service

- OOLTC = NO

What **format** should I use to submit the UDALSA

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Uniform Disclosure of Assisted Living Services and Amenities

Purpose

This is a required document per 144G.40 Subd. 2 (www.revisor.mn.gov/statutes/cite/144G.40) of all assisted living facilities to describe the services, supports, and amenities available at the assisted living facility. Prospective residents and their families can use this tool to determine if the assisted living facility can meet their needs, allow them to compare options among various settings, and make informed decisions about selecting an assisted living facility setting. The information presented here may be important for a resident's ability to age in place. Assisted living facilities are not required to provide all the services listed, and available services are subject to change. The facility will indicate which services are provided and any limitations that may pertain to the service.

You are also encouraged to tour facilities, talk with other residents, residents' family members, or meet one-on-one with facility staff during the selection process. The disclosure checklist is not a substitute for the assisted living contract, which is a separate document that will include the specific services to be provided to the individual resident and the fees per services.

General Information

This information is current as of (MM/DD/YYYY): _____

Name of Assisted Living: _____

Unique building/unit descriptive (if applicable): _____

Physical Address: _____

- Make sure you are using the version posted on the MDH website: UDALSA (PDF) (www.health.state.mn.us/facilities/regulation/assistedliving/docs/forms/udalsa.pdf)

- Fill out the necessary information and do not change or alter the form

- Must submit an updated UDALSA to MDH within 30 days of changes – plus at license renewal

Where do I check **application status** and **payment status** in ICSD?

Assisted Living License Renewal System - Application Summary

- Assisted Living Facilities

Your License/Registration Renewal Application

HFID	
Provider Type	Assisted Living Facilities
Name	
Status	In Progress
Status Date	06/14/2022
Payment Status	Received
Confirmation Number	
Last Accessed	06/14/2022 12:00:00 AM
Renewal Effective Date	08/01/2022
Renewal Expire Date	01/31/2023

Resume   Quit

Log into ICSD and look for both the application status and payment status on the **Application Summary** screen.

- Action Required by Provider = Pending, In Progress or Reopened

- Action not Required by Provider = Submitted or Renewed

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I **submitted** my application, why haven't I heard anything yet?

Assisted Living License Renewal System - Application Summary

[REDACTED] - Assisted Living Facilities

Your License/Registration Renewal Application

HFID	[REDACTED]
Provider Type	Assisted Living Facilities
Name	[REDACTED]
Status	In Progress
Status Date	06/14/2022
Payment Status	Received
Confirmation Number	MDHALL00[REDACTED]
Last Accessed	06/14/2022 12:00:00 AM
Renewal Effective Date	08/01/2022
Renewal Expire Date	01/31/2023

Resume   Quit

Payment needs to be submitted within ICSD for the renewal process to begin. Log into ICSD to verify your payment status.

I've submitted my application; how do I know if I included all the appropriate information?

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- If reviewers have a question or issue with your application, they will email you.

- When the license is approved, MDH will email you.

How do I **pay** my license fee if I haven't paid yet?

- Log into ICSD for that specific HFID

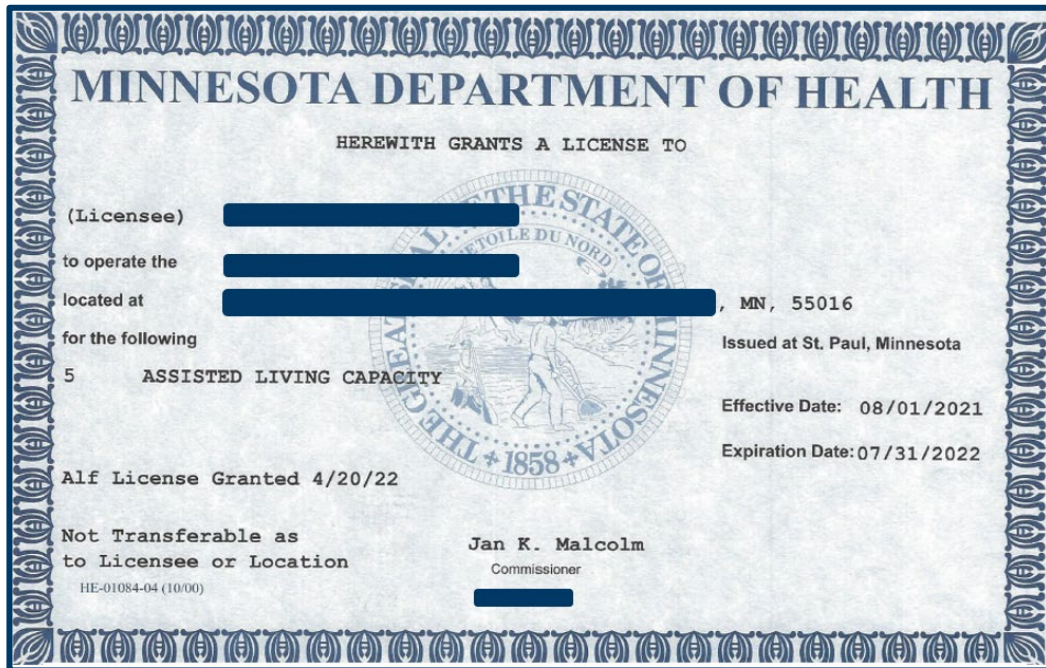- Locate the "Make Payment" button at the bottom of the Application Summary screen – click on the button

Will I be sent a paper copy of my **license**?

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- After your license is renewed, two copies of your license will be sent to the mailing address provided on your renewal application. For campuses, you will receive one license for each address you listed on the renewal application that falls under the campus license.

- Per 144G.42 Subd. 1, the original current license must be displayed at the main entrance of each assisted living facility. The facility must also provide a copy of the license to any person who requests it.

Is the **Ownership Section** of ICSD Auto-populated?

Business Entity Type

Current Business Entity Type: For-Profit Corporation

Direct and Indirect Owners

Please provide the names, titles and addresses of all owners, officers and members of the governing body and the percent of ownership if proprietary.

Ownership Information List

Person's Name	Person's Title	% of Ownership	Type
	Owner	25.0	indirect
	Owner	25.0	indirect
	President/Owner	25.0	indirect
	Board Secretary/ owner	25.0	indirect

Business Entity Type

Current Business Entity Type: Nonprofit Corporation

Direct and Indirect Owners

Please provide the names, titles and addresses of all owners, officers and members of the governing body and the percent of ownership if proprietary.

Ownership Information List

Person's Name	Person's Title	% of Ownership	Type
SYTEM NA	Owner	100.0	direct
	President	0.0	direct
	Treasurer	0.0	direct

- Review ownership information in ICSD. Make sure all ownership information is complete and accurate for owners with 5% or more interest.

- Numerous applications are being submitted with blank or inaccurate ownership fields.

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Who needs to be listed under the Direct and Indirect **Owners** section?

Any direct or indirect owners with **5% or more** ownership need to be listed. It is possible that this will <u>not</u> add to 100%.

Which individuals are considered **owners** of a **non-profit** corporation?

144G.08 Subd. 48 identifies the **President** and **Treasurer** of a non-profit board as owners. If they have different titles (like Chair) then we want the equivalent. They should be listed on the application at **0% direct** ownership and will need to have an eligible background study. The board of directors should be listed as **100% direct owners**.

What steps should I take if I am NOT **renewing** my license?

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A: Not Renewing License

- If you are not renewing your license, then you must go through the planned closure process (144G.57).

- Submit the Closure Form and Proposed Closure Plan (including proposed notice to residents) to MDH for review and approval as soon as possible.

- Assisted Living License Closure Form (PDF) (www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/f4045.pdf)

- MDH must approve the closure plan before notice can be given to residents.

- Notice must be given at least 60 days prior to the approved closure date.

- Failure to comply with the legal requirements for a planned closure may result in a fine or other administrative penalties and may impact your ability to become licenses in the future.

Is **fingerprinting** required for Background Studies?

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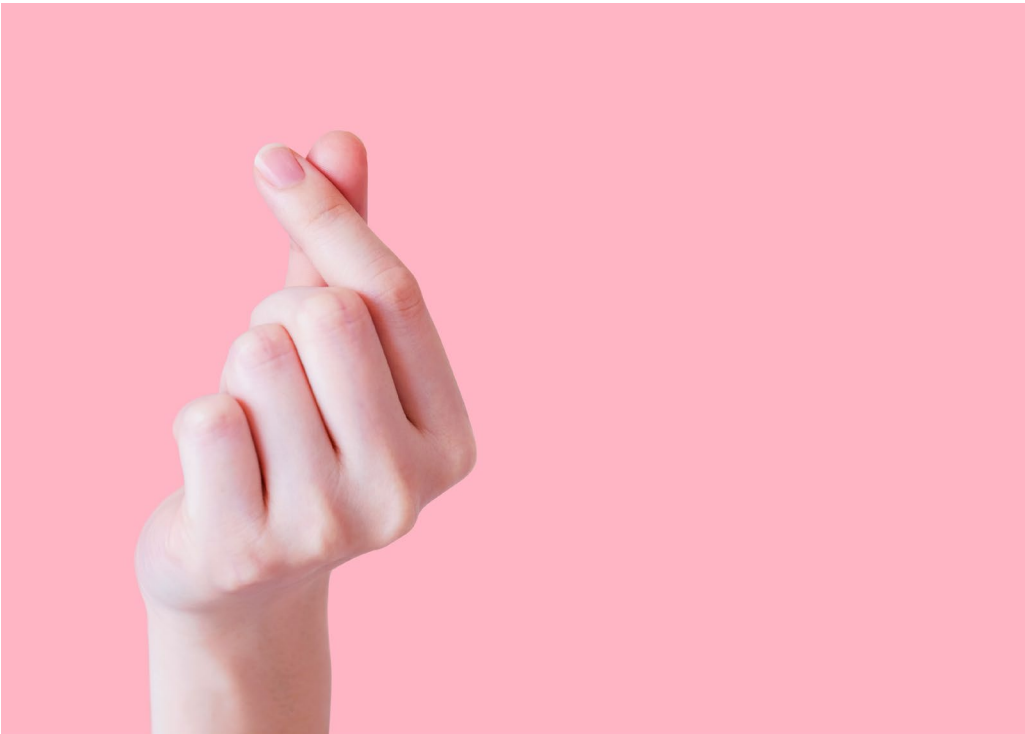
- **Fingerprinting is required for all *new* Background Studies.**

- **If you have an eligible COVID-19 study that does not include fingerprinting, that is acceptable for the renewal application given that the date the studies are valid was extended until 12/31/2022.**

If an organization has **multiple facilities**, does a **separate** background study need to be submitted in NetStudy 2.0 for **each HFID**?

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If you have an existing background study for someone at one facility, you can affiliate the person's background study to another facility if the Sensitive Information Person (SIP) is the same.

If you are unable to affiliate between facilities, then separate background studies are needed.

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What is "**affiliation**" and how do I do it?

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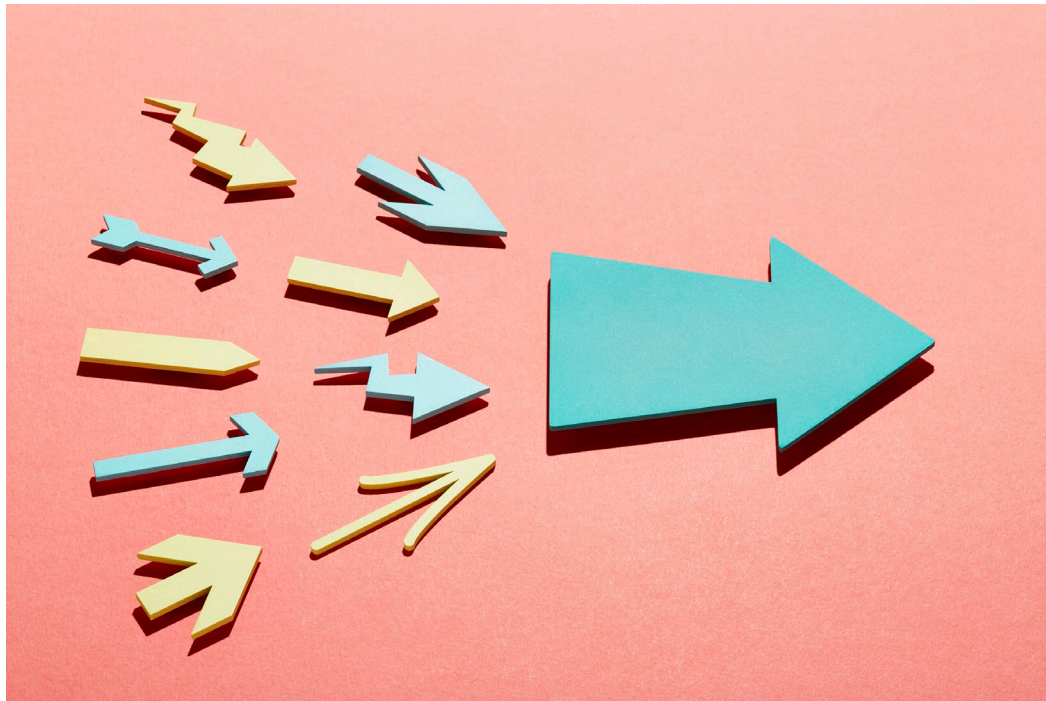
Affiliation is the process of adding a subject with a completed study onto another HFID's roster without submitting a new study. For instructions on how to add an affiliation record when permissible, refer to the Help section in NETStudy 2.0: NETStudy 2.0 User Manual- page 79 or training video Roster part 2.

Can DHS **re-open** my license once it has been **closed** so that I can affiliate existing subjects?

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DHS is **not** able to re-open your license once it has been closed. If you have individuals that require a DHS background study and they are not on an active NETStudy 2.0 roster, you must submit new background studies.

Do we have time to apply for a **Change of Ownership (CHOW)** before the renewal application is due?

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- A prospective buyer may submit a CHOW application at any time.

- If the application is complete and the new license is issued prior to expiration of the existing license, then renewal is not necessary.

- Per 144G.19 Subd. 2 (b), the prospective licensee must submit notice to MDH **at least 60 days** prior to the anticipated change of licensee.

We submitted a **Change of Ownership (CHOW)** application, and it is still in process. Do we still submit the **renewal** application?

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- If the CHOW application is complete and the new license can be issued prior to the existing license expiring, then renewal is not necessary.

- If the CHOW will not be completed prior to expiration of the existing license, then the existing licensee must complete the renewal.

- A CHOW cannot take place on an expired license.

Capacity Increases

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Can I change my licensed resident capacity during license renewal?

- Capacity changes are allowed during license renewal; however, not all capacity increases will be approved.

- Only capacity increases within approved capacity categories are allowed without physical environment plan review and inspection.

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I've decided to increase my licensed resident capacity over my

current capacity category; what steps do I need to follow?

A: Capacity Increase Over Current Category

- Submit the Construction Plan Submittal Form (www.health.state.mn.us/facilities/regulation/engineering/docs/submittalformalf.pdf)

- Include all Floor Plans

- Include proof you went through all local jurisdictions for approval (letter from city approving a zoning change or change of occupancy approval)

- Confirm and show compliance of Chapter 18 or Chapter 32 of the Life Safety Code

Legislative Updates

Previous License Year Service Requirement

- [Minn. Stat. 144G.17 (5) (www.revisor.mn.gov/laws/2022/0/98/laws.1.23.0#laws.1.23.0)](www.revisor.mn.gov/laws/2022/0/98/laws.1.23.0#laws.1.23.0)

- Effective August 1,2022, renewal applicants must provide information sufficient to show that the licensee provided assisted living services to **at least one resident** during the immediately preceding license year and **at the assisted living facility** listed on the license.

- Licensees who did not provide assisted living services during the previous license year are **not eligible for renewal** and will need to apply for and be granted a **new provisional assisted living facility license** before providing services at the facility.

Ineligible Conversions

- [Minn. Stat. 144G.191 Subd. 4 (www.revisor.mn.gov/statutes/cite/144G.191)](www.revisor.mn.gov/statutes/cite/144G.191)

- To be eligible for conversion effective August 1, 2021, a housing with services registrant must have been providing home care services under chapter 144A to **at least one resident** at the housing with services location prior to August 1, 2021 and intended to provide assisted living services on or after August 1, 2021. If the housing with services registrant was not providing 144A services prior to August 1, 2021, then they were **not eligible for conversion and is not eligible for renewal.**

- The licensee should submit a **closure form** for the license and apply for a **new provisional assisted living facility license** if they would like to provide assisted living services at that location.

- Enforcement action may be taken related to the ineligible conversion if this process is not followed.

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CHOWs No Longer Require Waiver Review

- Effective August 1, 2022,a change of licensee under Minn. Stat. § 144G.19, Subd. 2 does not require the facility to meet the design requirements of section 144G.45, subdivisions 4 to 6, or 144G.81, Subd. 3.

- Waiver review or plan submittal and approval will not be required for CHOWs effective after this date.

- New construction, renovation, or addition of a new building is still subject to the requirements of these subdivisions, including plan review and inspection.

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Application Updates

THANK YOU to everyone who submitted on time!!!

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Facilities by Status

STATUS	FACILITY COUNT	% OF TOTAL
RENEWED	1,107	56%
REVIEWED	15	1%
REOPENED	117	6%
SUBMITTED	538	27%
IN PROGRESS	72	4%
PENDING	134	7%

Renewed = Application is approved for renewal – license is in the process of being printed & mailed ☺ ☺ ☺ ☺

Reviewed = Review is underway but not ready to issue or reopen yet ☺ ☺

Reopened = Additional information is needed – Credentialer sent it back to you for edits or additions

Submitted = You turned in your application – waiting for Credentialer review ☺

In Progress = You're working on your application, but it needs to be submitted ☹

Pending = You haven't started working on your application ☹ ☹

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Q and A

Don't Forget...

If you are a provider or work in an assisted living facility and want to receive updates, including WebEx notifications, register here: Long Term Care Provider Representatives GovDelivery List.

Thank you.

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