

Assisted Living Licensure in Minnesota

BACKGROUND

Currently, 41,000 people live in 1,345 assisted living settings across Minnesota. In 2014, 58% of residents in assisted living were over age 85 and 39% had dementia. Residents are remaining in care longer than ever before, and these settings must meet the residents' increasing care needs.

Today, the Minnesota Department of Health (MDH) oversees assisted living settings through a number of laws, including:

1. Minnesota Statutes, Chapter 144A, which licenses home care services in assisted living settings.
2. Minnesota Statutes, Chapter 144D, which registers the physical location of an assisted living setting as a housing-with-services (HWS) establishment.

NEW LEGISLATION CREATES ASSISTED LIVING LICENSE

The 2019 Minnesota Legislature passed a law to create licensing requirements for assisted living in Minnesota. The new assisted living licensure law is in Minnesota Statutes, Chapter 144G.

MDH has formed an Assisted Living Rules Advisory Committee. The committee is in the process of reviewing the rules being written by MDH that spell out how the new Assisted Living Licensure laws will be applied and enforced. For more information, please visit our [Assisted Living Licensure Rulemaking website \(https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html).

On the website, you can read proposals for rules, submit a comment about the rules, and see the dates for upcoming Advisory Committee meetings.

WHAT CHANGES ON AUGUST 1, 2021?

- Each assisted living facility will have one license that combines Housing with Services and Home Care regulations.
- There are two types of license that a facility may choose to have: the assisted living facility license or the assisted living facility with dementia care license.
- The assisted living contract will contain the terms of the resident's lease, assisted living services, and service plan, among other things.
- Assisted living services, when enacted on Aug. 1, 2021, will be the same services that are currently governed under the home care licensure laws (Chapter 144A) and assisted living laws (Chapter 144G.01-144G.07), which we know today as basic home care services, comprehensive home care services, and supportive services.

ASSISTED LIVING LICENSURE IN MINNESOTA

	Assisted Living Facility License	Assisted Living Facility with Dementia Care License
Services	Provides assisted living services. Can provide assisted living services to residents with dementia so long as the facility can meet the resident’s assessed needs.	Provides assisted living services and dementia care services. Dementia care services means ongoing care for behavioral and psychological symptoms of dementia and individual programming and person-centered care practices to support ADLs of residents with dementia.
Has a secured dementia care unit	Prohibited from having a secured dementia care unit.	May or may not have a secured dementia care unit. If the facility has a secured dementia care unit, it must have an assisted living facility with dementia care license. A secured dementia care unit is a designated area or setting designed for individuals with dementia that is locked or secured to prevent a resident from exiting, or to limit a resident’s ability to exit, the secured area or setting.
Facility advertising, marketing, and/or promoting of services	Prohibited from advertising, marketing, and/or promoting the facility as providing specialized care for dementia or related disorders. (Minnesota Statutes section 325F.72)	Allowed to advertise, market, and/or promote as providing specialized care for dementia or related disorders. (Minnesota Statutes section 325F.72)
Fees	\$2,000 plus \$75 per resident	\$3,000 plus \$100 per resident

RESPONSIBILITIES OF ASSISTED LIVING FACILITIES UNDER THE NEW LAW

Beginning August 1, 2021, assisted living settings will need to be licensed and in full compliance with the regulations identified in [Minnesota Statutes, Chapter 144G Assisted Living](https://www.revisor.mn.gov/statutes/cite/144G) (<https://www.revisor.mn.gov/statutes/cite/144G>) as well as the rules that are currently being worked on.

To receive updates on the Assisted Living Licensure Rules process, visit our [Assisted Living Licensure Rulemaking website](https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html) (<https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html>) and sign up for “Email Updates.”

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To obtain this information in a different format, call: 651-201-4101.

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