Assisted Living Licensure in Minnesota

OVERVIEW OF NEW LEGISLATION

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) regulates assisted living settings through two laws:

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

New Legislation Creates a Single, Integrated Assisted Living License

In May 2019, the passage of House File (HF) 90 established assisted living licensure in Minnesota. The new assisted living licensure law will be housed in Chapter 144G.

As of August 1, 2021:

- Housing and services of an assisted living facility will be incorporated under a single integrated license.
- There are two categories of licensure: the assisted living facility license and the assisted living facility with dementia care license.
- Residents will enter into a single assisted living contract with the facility that will govern the resident’s housing and assisted living services.
- The assisted living contract will contain the terms of the lease, assisted living services provided, and the resident’s service plan.
- Assisted living services are the same services that are currently provided under the home care licensure law – Chapter 144A, which we know today as basic, comprehensive, and supportive services.

MDH has formed a Rules Advisory Committee that recommends how the new Assisted Living Licensure laws will be regulated. The public can comment on draft rules at health.assistedliving@state.mn.us, or via phone (651-539-3049 or 1-844-926-1061). Information on assisted living rulemaking is also available at Assisted Living Licensure (https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html).
<table>
<thead>
<tr>
<th>Categories of License</th>
<th>Assisted Living Facility License</th>
<th>Assisted Living Facility with Dementia Care License</th>
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<tbody>
<tr>
<td>Services</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Has a secured dementia care unit</td>
<td>Prohibited from having a secured dementia care unit.</td>
<td>May or may not have a secured dementia care unit. If 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.</td>
</tr>
<tr>
<td>Facility advertising, marketing, and/or promoting of services</td>
<td>Prohibited from advertising, marketing, and/or promoting the facility as providing specialized care for dementia or related disorders. (Minnesota Statutes section 325F.72)</td>
<td>Allowed to advertise, market, and/or promote as providing specialized care for dementia or related disorders. (Minnesota Statutes section 325F.72)</td>
</tr>
<tr>
<td>Fees</td>
<td>$2,000 plus $75 per resident</td>
<td>$3,000 plus $100 per resident</td>
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</tbody>
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**Responsibilities of Assisted Living Facilities under the New Law**

As of August 1, 2021, assisted living facilities are directly responsible for all housing and service-related matters. Facilities must meet the following minimum requirements:

- Give residents a uniform checklist of all assisted living services provided and NOT provided;
- Biannual evaluation of staffing levels to ensure residents’ needs are met at all times; and
- Offer three nutritious daily meals, seven days a week, according to U.S. Department of Agriculture guidelines, that are prepared and served according to Minnesota Food Code.

Additional requirements apply to both assisted living facilities and assisted living facilities with dementia care, including requirements for physical environment and fire safety, staff training, facility inspections, etc. More details can be found on the Minnesota Legislature’s website under Assisted Living Licensure, Chapter 144G (https://www.revisor.mn.gov/statutes/cite/144G).