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# State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2128**

03/11/2021 Authored by Liebling, Schultz and Bernardy  
The bill was read for the first time and referred to the Committee on Health Finance and Policy  
04/12/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means  
04/16/2021 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time  
04/19/2021 By motion, re-referred to the Committee on Ways and Means  
04/21/2021 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time  
04/26/2021 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments  
04/29/2021 Returned to the House as Amended by the Senate  
Refused to concur and a Conference Committee was appointed  
05/17/2021 Conference Committee Report Adopted  
Read Third Time as Amended by Conference and repassed by the House  
Read Third Time as Amended by Conference and repassed by the Senate  
05/21/2021 Presented to Governor  
05/25/2021 Governor Approval

1.1 A bill for an act

1.2 relating to state government; modifying policy provisions governing health, health

1.3 care, human services, human services licensing and background studies,

1.4 health-related licensing boards, prescription drugs, health insurance, telehealth,

1.5 children and family services, behavioral health, disability services and continuing

1.6 care for older adults, community supports, and chemical and mental health services;

1.7 implementing mental health uniform service standards; making forecast

1.8 adjustments; making technical and conforming changes; requiring reports;

1.9 modifying appropriations; amending Minnesota Statutes 2020, sections 62A.152,

1.10 subdivision 3; 62A.3094, subdivision 1; 62J.495, subdivision 3; 62J.498; 62J.4981;

1.11 62J.4982; 62J.84, subdivisions 3, 4, 5, 6, 9; 62Q.096; 62W.11; 144.05, by adding

1.12 a subdivision; 144.1205, subdivisions 2, 4, 8, 9, by adding a subdivision; 144.1481,

1.13 subdivision 1; 144.1911, subdivision 6; 144.223; 144.225, subdivision 7; 144.651,

1.14 subdivision 2; 144D.01, subdivision 4; 144G.08, subdivision 7, as amended;

1.15 144G.84; 145.893, subdivision 1; 145.894; 145.897; 145.899; 148B.5301,

1.16 subdivision 2; 148E.120, subdivision 2; 148F.11, subdivision 1; 151.01, subdivision

1.17 29, by adding subdivisions; 151.555, subdivisions 1, 7, 11, by adding a subdivision;

1.18 151.72, subdivision 5; 152.22, subdivisions 6, 11, by adding a subdivision; 152.23;

1.19 152.26; 152.27, subdivisions 2, 3, 4; 152.28, subdivision 1; 152.29, subdivisions

1.20 1, 3, by adding subdivisions; 152.31; 157.22; 245.462, subdivisions 1, 6, 8, 9, 14,

1.21 16, 17, 18, 21, 23, by adding a subdivision; 245.4661, subdivision 5; 245.4662,

1.22 subdivision 1; 245.467, subdivisions 2, 3; 245.469, subdivisions 1, 2; 245.470,

1.23 subdivision 1; 245.4712, subdivision 2; 245.472, subdivision 2; 245.4863;

1.24 245.4871, subdivisions 9a, 10, 11a, 17, 21, 26, 27, 29, 31, 32, 34, by adding a

1.25 subdivision; 245.4874, subdivision 1; 245.4876, subdivisions 2, 3; 245.4879,

1.26 subdivision 1; 245.488, subdivision 1; 245.4885, subdivision 1; 245.4901,

1.27 subdivision 2; 245.62, subdivision 2; 245.697, subdivision 1; 245.735, subdivisions

1.28 3, 5, by adding a subdivision; 245A.02, by adding subdivisions; 245A.04,

1.29 subdivision 5; 245A.041, by adding a subdivision; 245A.043, subdivision 3;

1.30 245A.10, subdivision 4; 245A.65, subdivision 2; 245D.02, subdivision 20; 245F.04,

1.31 subdivision 2; 245G.03, subdivision 2; 252.43; 252A.01, subdivision 1; 252A.02,

1.32 subdivisions 2, 9, 11, 12, by adding subdivisions; 252A.03, subdivisions 3, 4;

1.33 252A.04, subdivisions 1, 2, 4; 252A.05; 252A.06, subdivisions 1, 2; 252A.07,

1.34 subdivisions 1, 2, 3; 252A.081, subdivisions 2, 3, 5; 252A.09, subdivisions 1, 2;

1.35 252A.101, subdivisions 2, 3, 5, 6, 7, 8; 252A.111, subdivisions 2, 4, 6; 252A.12;

1.36 252A.16; 252A.17; 252A.19, subdivisions 2, 4, 5, 7, 8; 252A.20; 252A.21,

1.37 subdivisions 2, 4; 254B.03, subdivision 2; 256.01, subdivision 14b, by adding a

1.38 subdivision; 256.0112, subdivision 6; 256.741, by adding subdivisions; 256.969,

subdivisions 2b, 9, by adding a subdivision; 256.9695, subdivision 1; 256.9741, subdivision 1; 256.98, subdivision 1; 256.983; 256B.051, subdivisions 1, 3, 5, 6, 7, by adding a subdivision; 256B.057, subdivision 3; 256B.0615, subdivisions 1, 5; 256B.0616, subdivisions 1, 3, 5; 256B.0622, subdivisions 1, 2, 3a, 4, 7, 7a, 7b, 7d; 256B.0623, subdivisions 1, 2, 3, 4, 5, 6, 9, 12; 256B.0624; 256B.0625, subdivisions 3b, 3c, 3d, 3e, 5, 5m, 19c, 28a, 30, 42, 48, 49, 56a; 256B.0638, subdivisions 3, 5, 6; 256B.0659, subdivision 13; 256B.0757, subdivision 4c; 256B.0911, subdivision 3a; 256B.0941, subdivision 1; 256B.0943, subdivisions 1, 2, 3, 4, 5, 5a, 6, 7, 9, 11; 256B.0946, subdivisions 1, 1a, 2, 3, 4, 6; 256B.0947, subdivisions 1, 2, 3, 3a, 5, 6, 7; 256B.0949, subdivisions 2, 4, 5a; 256B.196, subdivision 2; 256B.25, subdivision 3; 256B.4912, subdivision 13; 256B.69, subdivision 5a; 256B.6928, subdivision 5; 256B.761; 256B.763; 256B.85, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11b, 12, 12b, 13, 13a, 15, 17a, 18a, 20b, 23, 23a, by adding subdivisions; 256E.34, subdivision 1; 256I.05, subdivisions 1a, 11; 256J.08, subdivision 21; 256J.09, subdivision 3; 256J.30, subdivision 8; 256J.45, subdivision 1; 256J.626, subdivision 1; 256J.95, subdivision 5; 256L.01, subdivision 5; 256L.03, subdivision 1; 256L.04, subdivision 7b; 256L.05, subdivision 3a; 256N.02, subdivisions 16, 17; 256N.22, subdivision 1; 256N.23, subdivisions 2, 6; 256N.24, subdivisions 1, 8, 11, 12, 14; 256N.25, subdivision 1, by adding a subdivision; 256P.01, subdivision 6a; 259.22, subdivision 4; 259.241; 259.35, subdivision 1; 259.53, subdivision 4; 259.73; 259.75, subdivisions 5, 6, 9; 259.83, subdivision 1a; 259A.75, subdivisions 1, 2, 3, 4; 260C.007, subdivisions 22a, 26c, 31; 260C.157, subdivision 3; 260C.212, subdivisions 1, 1a, 2, 13, by adding a subdivision; 260C.219, subdivision 5; 260C.4412; 260C.452; 260C.503, subdivision 2; 260C.515, subdivision 3; 260C.605, subdivision 1; 260C.607, subdivision 6; 260C.609; 260C.615; 260C.704; 260C.706; 260C.708; 260C.71; 260C.712; 260C.714; 260D.01; 260D.05; 260D.06, subdivision 2; 260D.07; 260D.08; 260D.14; 260E.20, subdivision 2; 260E.31, subdivision 1; 260E.33, by adding a subdivision; 260E.36, by adding a subdivision; 295.50, subdivision 9b; 295.53, subdivision 1; 297E.02, subdivision 3; 325F.721, subdivision 1; 326.71, subdivision 4; 326.75, subdivisions 1, 2, 3; 518.157, subdivisions 1, 3; 518.68, subdivision 2; 518A.29; 518A.33; 518A.35, subdivisions 1, 2; 518A.39, subdivision 7; 518A.40, subdivision 4, by adding a subdivision; 518A.42; 518A.43, by adding a subdivision; 518A.685; 548.091, subdivisions 1a, 2a, 3b, 9, 10; 549.09, subdivision 1; Laws 2008, chapter 364, section 17; Laws 2019, First Special Session chapter 9, article 14, section 3, as amended; Laws 2020, Seventh Special Session chapter 1, article 6, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 62Q; 145; 145A; 151; 245A; 256B; 363A; 518A; proposing coding for new law as Minnesota Statutes, chapter 245I; repealing Minnesota Statutes 2020, sections 151.19, subdivision 3; 245.462, subdivision 4a; 245.4879, subdivision 2; 245.62, subdivisions 3, 4; 245.69, subdivision 2; 245.735, subdivisions 1, 2, 4; 252.28, subdivisions 1, 5; 252A.02, subdivisions 8, 10; 252A.21, subdivision 3; 256B.0615, subdivision 2; 256B.0616, subdivision 2; 256B.0622, subdivisions 3, 5a; 256B.0623, subdivisions 7, 8, 10, 11; 256B.0625, subdivisions 51, 35a, 35b, 61, 62, 65; 256B.0943, subdivisions 8, 10; 256B.0944; 256B.0946, subdivision 5; Minnesota Rules, parts 9505.0370; 9505.0371; 9505.0372; 9520.0010; 9520.0020; 9520.0030; 9520.0040; 9520.0050; 9520.0060; 9520.0070; 9520.0080; 9520.0090; 9520.0100; 9520.0110; 9520.0120; 9520.0130; 9520.0140; 9520.0150; 9520.0160; 9520.0170; 9520.0180; 9520.0190; 9520.0200; 9520.0210; 9520.0230; 9520.0750; 9520.0760; 9520.0770; 9520.0780; 9520.0790; 9520.0800; 9520.0810; 9520.0820; 9520.0830; 9520.0840; 9520.0850; 9520.0860; 9520.0870; 9530.6800; 9530.6810.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

40.1 **ARTICLE 3**

40.2 **HEALTH DEPARTMENT**

69.3 Sec. 20. Minnesota Statutes 2020, section 144G.84, is amended to read:

69.4 **144G.84 SERVICES FOR RESIDENTS WITH DEMENTIA.**

69.5 (a) In addition to the minimum services required in section 144G.41, an assisted living  
69.6 facility with dementia care must also provide the following services:

69.7 (1) assistance with activities of daily living that address the needs of each resident with  
69.8 dementia due to cognitive or physical limitations. These services must meet or be in addition  
69.9 to the requirements in the licensing rules for the facility. Services must be provided in a  
69.10 person-centered manner that promotes resident choice, dignity, and sustains the resident's  
69.11 abilities;

69.12 (2) nonpharmacological practices that are person-centered and evidence-informed;

69.13 (3) services to prepare and educate persons living with dementia and their legal and  
69.14 designated representatives about transitions in care and ensuring complete, timely  
69.15 communication between, across, and within settings; and

69.16 (4) services that provide residents with choices for meaningful engagement with other  
69.17 facility residents and the broader community.

69.18 (b) Each resident must be evaluated for activities according to the licensing rules of the  
69.19 facility. In addition, the evaluation must address the following:

69.20 (1) past and current interests;

69.21 (2) current abilities and skills;

69.22 (3) emotional and social needs and patterns;

69.23 (4) physical abilities and limitations;

69.24 (5) adaptations necessary for the resident to participate; and

69.25 (6) identification of activities for behavioral interventions.

69.26 (c) An individualized activity plan must be developed for each resident based on their  
69.27 activity evaluation. The plan must reflect the resident's activity preferences and needs.

69.28 (d) A selection of daily structured and non-structured activities must be provided and  
69.29 included on the resident's activity service or care plan as appropriate. Daily activity options  
69.30 based on resident evaluation may include but are not limited to:

- 70.1 (1) occupation or chore related tasks;
- 70.2 (2) scheduled and planned events such as entertainment or outings;
- 70.3 (3) spontaneous activities for enjoyment or those that may help defuse a behavior;
- 70.4 (4) one-to-one activities that encourage positive relationships between residents and
- 70.5 staff such as telling a life story, reminiscing, or playing music;
- 70.6 (5) spiritual, creative, and intellectual activities;
- 70.7 (6) sensory stimulation activities;
- 70.8 (7) physical activities that enhance or maintain a resident's ability to ambulate or move;
- 70.9 and
- 70.10 (8) a resident's individualized activity plan for regular outdoor activities activity.
- 70.11 (e) Behavioral symptoms that negatively impact the resident and others in the assisted
- 70.12 living facility with dementia care must be evaluated and included on the service or care
- 70.13 plan. The staff must initiate and coordinate outside consultation or acute care when indicated.
- 70.14 (f) Support must be offered to family and other significant relationships on a regularly
- 70.15 scheduled basis but not less than quarterly.
- 70.16 (g) ~~Access to secured outdoor space and walkways that allow residents to enter and~~
- 70.17 ~~return without staff assistance must be provided.~~ Existing housing with services
- 70.18 establishments registered under chapter 144D prior to August 1, 2021, that obtain an assisted
- 70.19 living facility license must provide residents with regular access to outdoor space. A licensee
- 70.20 with new construction on or after August 1, 2021, or a new licensee that was not previously
- 70.21 registered under chapter 144D prior to August 1, 2021, must provide regular access to
- 70.22 secured outdoor space on the premises of the facility. A resident's access to outdoor space
- 70.23 must be in accordance with the resident's documented care plan.

70.24 **EFFECTIVE DATE.** This section is effective August 1, 2021.

99.3 Sec. 50. Laws 2020, Seventh Special Session chapter 1, article 6, section 12, subdivision

99.4 4, is amended to read:

99.5 Subd. 4. **Housing with services establishment registration; conversion to an assisted**

99.6 **living facility license.** (a) Housing with services establishments registered under chapter

99.7 144D, providing home care services according to chapter 144A to at least one resident, and

99.8 intending to provide assisted living services on or after August 1, 2021, must submit an

99.9 application for an assisted living facility license in accordance with section 144G.12 no

99.10 later than June 1, 2021. The commissioner shall consider the application in accordance with

99.11 section ~~144G.16~~ 144G.15.

(b) Notwithstanding the housing with services contract requirements identified in section 144D.04, any existing housing with services establishment registered under chapter 144D that does not intend to convert its registration to an assisted living facility license under this chapter must provide written notice to its residents at least 60 days before the expiration of its registration, or no later than May 31, 2021, whichever is earlier. The notice must:

(1) state that the housing with services establishment does not intend to convert to an assisted living facility;

(2) include the date when the housing with services establishment will no longer provide housing with services;

(3) include the name, e-mail address, and phone number of the individual associated with the housing with services establishment that the recipient of home care services may contact to discuss the notice;

(4) include the contact information consisting of the phone number, e-mail address, mailing address, and website for the Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities; and

(5) for residents who receive home and community-based waiver services under section 256B.49 and chapter 256S, also be provided to the resident's case manager at the same time that it is provided to the resident.

(c) A housing with services registrant that obtains an assisted living facility license, but does so under a different business name as a result of reincorporation, and continues to provide services to the recipient, is not subject to the 60-day notice required under paragraph (b). However, the provider must otherwise provide notice to the recipient as required under sections 144D.04 and 144D.045, as applicable, and section 144D.09.

(d) All registered housing with services establishments providing assisted living under sections 144G.01 to 144G.07 prior to August 1, 2021, must have an assisted living facility license under this chapter.

(e) Effective August 1, 2021, any housing with services establishment registered under chapter 144D that has not converted its registration to an assisted living facility license under this chapter is prohibited from providing assisted living services.

**EFFECTIVE DATE.** This section is effective retroactively from December 17, 2020.