

# Current Providers NOT Transitioning to Assisted Living Licensure

## ASSISTED LIVING FACILITY LICENSE AND ASSISTED LIVING FACILITY LICENSE WITH DEMENTIA CARE

### Current Comprehensive Home Care Providers

#### Discontinuation of Home Care Services (144A)

A comprehensive home care provider who does not intend to provide home care services under Chapter 144A on or after August 1, 2021, **must** notify the recipients of changes to their home care services in writing at least 60 days before the expiration of the provider's comprehensive home care license, or no later than May 31, 2021, whichever is earlier. Pursuant to Laws 2020, 7<sup>th</sup> Spec. Sess., chpt. 1, art. 6, sect. 12, creating Minn. Stat. sect. 144G.191, the notice must:

- state that the provider will no longer be providing home care services under chapter 144A
- include the date when the provider will no longer be providing these services
- include the name, email address, and phone number of the individual associated with the comprehensive home care provider that the recipient of home care services may contact to discuss the notice
- include the contact information consisting of the phone number, email 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
- notify the resident's case manager at the same time that it is provided to the resident (for recipients of home care services who receive home and community-based waiver services under section 256B.49 and chapter 256S)

A comprehensive home care provider that obtains an assisted living facility license but does so under a different business name because of reincorporation, and continues to provide services to the recipient, is not subject to the 60-day notice required. However, the provider must otherwise provide notice to the recipient as required under sections 144A.44, 144A.441, and 144A.442, as applicable, and section 144A.4791.

## Housing with Services Establishment Registration

### No Intention to Convert Registration to an Assisted Living Facility License (144G)

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 144G **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. Pursuant to Laws 2020, 7<sup>th</sup> Spec. Sess., chpt. 1, art. 6, sect. 12, creating Minn. Stat. sect. 144G.191, the notice must:

- state that the housing with services establishment does not intend to convert to an assisted living facility
- include the date when the housing with services establishment will no longer provide housing with services
- include the name, email 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
- include the contact information consisting of the phone number, email 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
- notify the resident's case manager at the same time that it is provided to the resident (for residents who receive home and community-based waiver services under section 256B.49 and chapter 256S)

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 resident, is not subject to the 60-day notice required. However, the provider must otherwise provide notice to the resident as required under sections 144D.04 and 144D.045, as applicable, and section 144D.09.

## Consequences

**Effective August 1, 2021**, Minnesota Statutes, chapter 144D is repealed. Beginning on this date, all registered housing with services establishments will no longer be able to provide what has historically been described as “assisted living” services (See Laws 2019, chapter 60, article 1, section 48) unless it has been issued an assisted living facility license pursuant to Minnesota Statutes, sections 144G.08 to 144G.9999 and Minnesota Rules, chapter 4659.

## Resources

[Minnesota Session Laws 2020, 7th Special Session, Chapter 1, Article 6 \(www.revisor.mn.gov/laws/2020/7/Session+Law/Chapter/1/\)](http://www.revisor.mn.gov/laws/2020/7/Session+Law/Chapter/1/)

CURRENT PROVIDERS NOT TRANSITIONING TO ALL

[2020 Minnesota Statutes Chapter 144A. Nursing Home and Home Care](http://www.revisor.mn.gov/statutes/cite/144A)  
([www.revisor.mn.gov/statutes/cite/144A](http://www.revisor.mn.gov/statutes/cite/144A))

[2020 Minnesota Statutes Chapter 144D. Housing with Services Establishment](http://www.revisor.mn.gov/statutes/cite/144D)  
([www.revisor.mn.gov/statutes/cite/144D](http://www.revisor.mn.gov/statutes/cite/144D))

[2020 Minnesota Statutes Chapter 144G. Assisted Living](http://www.revisor.mn.gov/statutes/cite/144G)  
([www.revisor.mn.gov/statutes/cite/144G](http://www.revisor.mn.gov/statutes/cite/144G))

[2020 Minnesota Statutes 256B.49 Home and Community Based Service Waivers for Persons with Disabilities](http://www.revisor.mn.gov/statutes/cite/256B.49) ([www.revisor.mn.gov/statutes/cite/256B.49](http://www.revisor.mn.gov/statutes/cite/256B.49))

[2020 Minnesota Statutes Chapter 256S. Medical Assistance Elderly Waiver](http://www.revisor.mn.gov/statutes/cite/256S)  
([www.revisor.mn.gov/statutes/cite/256S](http://www.revisor.mn.gov/statutes/cite/256S))

[Minnesota Session Laws - 2019](http://www.revisor.mn.gov/laws/2019/0/Session+Law/Chapter/60/) ([www.revisor.mn.gov/laws/2019/0/Session+Law/Chapter/60/](http://www.revisor.mn.gov/laws/2019/0/Session+Law/Chapter/60/))

[Assisted Living Proposed Rules \(PDF\)](http://www.health.state.mn.us/facilities/regulation/assistedliving/docs/proposedrules.pdf)  
([www.health.state.mn.us/facilities/regulation/assistedliving/docs/proposedrules.pdf](http://www.health.state.mn.us/facilities/regulation/assistedliving/docs/proposedrules.pdf))

Minnesota Department of Health  
Assisted Living Licensure  
Health Regulation Division  
PO Box 3879  
St. Paul, MN 55101  
651-539-3049 or 844-926-1061  
[health.assistedliving@state.mn.us](mailto:health.assistedliving@state.mn.us)  
[www.health.state.mn.us](http://www.health.state.mn.us)

1/14/2021

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