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2 **4659.XXXX CONDITIONS AND FINE AMOUNTS FOR PLANNED CLOSURES**

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4 **Supb. 1. Definitions**

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6 “Discharge” means the relocation of a resident out of a licensed assisted living facility to the general  
7 community (i.e., a safe location), regardless of the resident’s destination.

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9 “Transfer” means the movement of a resident from one licensed assisted living facility to another  
10 licensed assisted living facility or appropriate service provider that is also a safe location.

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13 **Supb. 2. Planned Closure; Licensee Duties**

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15 The licensee must:

- 16 A. submit to the Commissioner and the Office of the Ombudsman for Long Term Care written  
17 notification of an impending closure at least 60 calendar days prior to the proposed date of  
18 closure;
- 19 B. identify the primary contact responsible for the daily operation and management of the facility  
20 during the facility’s closure process, in addition to the Assisted Living Director;
- 21 C. ensure that the facility does not accept new residents or enter into new admission agreements for  
22 any new residents on or after the date on which such written notification of the impending  
23 closure is submitted; and
- 24 D. include in the notice the proposed closure plan.

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27 **Supb. 3. Proposed Closure Plan Contents**

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29 In addition to the requirements outlined in Minn. Stat. § 144G.57, subd. 2, the licensee must submit to  
30 the Commissioner a proposed closure plan that includes:

- 31 A. the reason for the proposed closure and the proposed date of closure;
- 32 B. the proposed timetable for planning and implementation of resident relocations and the  
33 resources, policies, and procedures that the facility will provide or arrange in order to plan and  
34 implement resident relocations;
- 35 C. a list of the residents to be relocated and a description of their respective current levels of care  
36 and any special needs or conditions;
- 37 D. for residents identified in Item C,
- 38 1) the payment source for each resident and medical assistance identification number, if  
39 applicable;
- 40 2) the county of financial responsibility if the resident is enrolled in a Minnesota health care  
41 program;
- 42 3) the names and contact information of the residents’ legal representatives, designated  
43 representatives, and/or case manager;
- 44 4) identification of those residents who do not have a legal representative, designated  
45 representative, or case manager and who do not exhibit decision-making capacity;

- 1 E. identification of alternative assisted living facilities that are within reasonably close geographic
- 2 proximity of the facility and:
  - 3 a. whether these alternative assisted living facilities has a secured dementia care unit, and
  - 4 b. resident availability in the identified facilities;
- 5 F. the roles and responsibilities of the licensee, Assisted Living Director, or their replacements or
- 6 temporary managers/monitors during the closure process, and their contact information;
- 7 G. identification of provisions for ongoing operations and management of the facility and its
- 8 residents and staff during the closure process that include:
  - 9 1) payment of salaries and expenses to staff, vendors, contracts, etc..
  - 10 2) continuation of appropriate staffing and resources to meet the needs of each resident,
  - 11 including the provisions of medications, services, supplies, and treatments as ordered by the
  - 12 resident's physician/practitioner;
  - 13 3) ongoing accounting, maintenance, and reporting of resident personal funds; and
  - 14 4) labeling and safekeeping of resident's personal belongings, including contact information for
  - 15 missing items after the facility has closed.
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18 **Subp. 4. Commissioner Approval of Proposed Closure Plan**

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- 20 A. The Commissioner shall notify the licensee within 10 business days of receiving the proposed
- 21 closure plan of its determination whether to approve the plan.
- 22 B. The facility may not relocate residents until the Commissioner approves the proposed closure
- 23 plan.
- 24 C. If the Commissioner approves the plan, it shall become effective upon the date the
- 25 Commissioner grants its written approval of the plan.
- 26 D. If the Commissioner disapproves a closure plan, the licensee may resubmit an amended plan
- 27 within 10 business days of receipt of the Commissioner's disapproval of the closure plan.
- 28 E. Within 10 business days of receipt by the Commissioner of the amended plan, the Commissioner
- 29 shall promptly either approve or disapprove the amended plan.
- 30 F. If the Commissioner fails to approve a closure plan, it shall inform the licensee, in writing, of the
- 31 reasons for the disapproval of the plan.
- 32 G. If the Commissioner fails to take action within 10 business days of receipt of either the original
- 33 or the amended closure plan, the plan, or amended plan, as the case may be, shall be deemed
- 34 approved.
- 35 H. Upon approval by the Commissioner, the licensee shall send a written copy of the approved
- 36 closure plan to the Office of the Ombudsman for Long Term Care.
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39 **Subp. 5. Effective Date of Closure**

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- 41 A. The Commissioner will confirm the effective closure date in its written approval of the proposed
- 42 closure plan in Subpart 4, Item C.
- 43 B. If the Commissioner fails to take action under Subpart 4, Item G, the effective closure date is the
- 44 date proposed by the licensee in Subpart 3, Item A.
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1 **Subp. 6. Resident Relocation Evaluation**

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3 Once the Commissioner approves the closure plan, the licensee shall:

- 4 A. prepare, for each resident, a relocation evaluation of the needs of that resident, which shall  
5 include recommendations on the type of facility that would meet the needs of the resident based  
6 on:  
7 (1) the resident's current service plan;  
8 (2) the list of alternative assisted living facilities as identified in subpart 3, Item E; and  
9 (3) the needs, choice, and best interests of the resident.

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12 **Subp. 7. Resident Relocation Plan**

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14 A. The facility shall hold a planning conference in order to develop a resident relocation plan in  
15 collaboration with the resident and the resident's legal representative, designated representative,  
16 and case manager.  
17 B. The resident relocation plan will take into account the relocation evaluation developed in Subpart  
18 6.  
19 C. The resident relocation plan must also address the following:  
20 1) the date and time of the resident's move;  
21 2) how the resident's personal property will be transported;  
22 3) the facility's policy of storing and caring for a resident's belongings;  
23 4) the steps for ensuring the safe and proper transfer of the resident's medications; and  
24 5) how moving expenses will be paid.  
25 D. The facility shall implement the resident relocation plan developed under Item A and comply  
26 with the coordinated move requirements in Minn. Stat. § 144G.55, subs. 1(a)-(c), 2.  
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29 **Subp. 8. Licensee Responsibilities Related to Notice**

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31 For residents identified in Subpart 3, Item D unit 4 who are also identified as receiving medical  
32 assistance, the licensee shall contact representatives from the county social services agency as identified  
33 in Subpart 3 Item D unit 2 to assist in arranging a resident relocation plan.  
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36 **Subp. 9. Resident Relocation Verification**

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38 Within 10 business days of all residents having left the facility, the licensee, based on information  
39 provided by the resident or resident's legal representative, designated representative, or case manager,  
40 shall notify the Commissioner verifying that the closure process has been completed and that all  
41 residents were transferred or discharged in accordance with Minn. Stat. § 144G.55, subs. 1(a)-(c), 2.  
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1 **Subp. 10. Resident Right to Remain**

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3 The resident shall have the right to remain in the facility for up to 60 calendar days after the licensee  
4 notifies the resident according to Minn. Stat. § 144G.57, subd. 5 of the effective date of closure if an  
5 appropriate placement based on the resident relocation plan has not occurred.  
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8 **Subp. 11. Staffing**

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10 The facility shall honor all of the terms of the assisted living contract agreement under Minn. Stat. §  
11 144G.50 until the date of closure in order to ensure the well-being of all of the residents as they continue  
12 to reside in the facility.  
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15 **Subp. 12. Information Regarding Resident Relocation to Receiving Facility**

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17 In addition to the requirements listed in Minn. Stat. § 144G.43, subd. 4, and with the resident's consent,  
18 the facility shall provide in writing to the resident's receiving facility the following information:

- 19 A. the name and address of the assisted living facility, the dates of the resident's admission and  
20 discharge or transfer or relocation, and the name and address of a person at the facility to contact  
21 for additional information;  
22 B. names and addresses of the resident's significant social or community contacts;  
23 C. the resident's most recent service plan; and  
24 D. the reason for the resident's transition.  
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27 **Subp. 13. Disbursement of Resident Funds**

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29 Within 30 calendar days of the effective date of the facility closure, the facility must follow the  
30 requirements of Minn. Stat. § 144G.42, subd. 5.  
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33 **Subp. 14. Resident Discharge Summary**

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35 When the facility anticipates discharge, the facility will provide the resident with a written discharge  
36 summary that includes, but is not limited to the following:

- 37 A. a synopsis of the resident's stay that includes, but is not limited to, diagnoses, course of  
38 illness/treatment or therapy, and pertinent lab, radiology, and consultation results.  
39 B. a final summary of the resident's status from the latest assessment or review under Minn. Stat. §  
40 144G.70, if applicable, at the time of discharge that is available for release to authorized persons  
41 and agencies, with the consent of the resident or resident's representative.  
42 C. reconciliation of all pre-discharge medications with the resident's post-discharge medications  
43 (both prescribed and over-the-counter medications).  
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1 **Supb. 15. License Forfeiture**

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3 The facility forfeits its license upon the effective date of closure identified in Subpart 5.

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6 **Supb. 16. Fines for Noncompliance**

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8 TBD.