

**4659.XXXX RELINQUISHING AN ASSISTED LIVING FACILITY WITH DEMENTIA  
CARE LICENSE AND FINE AMOUNTS FOR NONCOMPLIANCE**

**Subp. 1. Voluntary Relinquishment; Licensee Duties**

The licensee must:

- A. submit to the Commissioner and the Office of the Ombudsman for Long Term Care written notification of relinquishing the assisted living facility with dementia care license at least 60 calendar days prior to the date of relinquishment;
- B. identify the primary contact responsible for the daily operation and management of the facility during the relinquishment process, in addition to the Assisted Living Director;
- C. ensure that the facility does not accept new residents with a dementia diagnosis or enter into new admission agreements with residents with a dementia diagnosis; and
- D. include in the notice the transition plan.

**Subp. 2. Transition Plan Contents**

In addition to the requirements outlined in Minn. Stat. § 144G.80, subd. 3(a)(2), the licensee must submit to the Commissioner a transition plan that includes:

- A. the reason for relinquishing the license;
- B. the timetable for planning and implementation of resident transitions and the resources, policies, and procedures that the facility will provide or arrange in order to plan and implement resident transitions;
- C. a list of residents that will need to be transitioned out of the facility based on their current service plan and a description of their respective current levels of care and any special needs or conditions;
- D. for the residents identified in Item C,
  - 1) the payment source for each resident and medical assistance number, if applicable;
  - 2) the county of financial responsibility if the resident is enrolled in a Minnesota health care program;
  - 3) names and contact information of the residents' legal representatives, designated representatives, and case managers; and
  - 4) identification of those residents who do not have a legal representative, designated representative, or case manager and who do not exhibit decision-making capacity; and
- E. identification of alternative assisted living facilities with dementia care license that are within reasonably close geographic proximity of the facility and:
  - 1) whether these alternative assisted living facilities have a secured dementia care unit, and
  - 2) resident availability in the identified facilities;

1 **Subp. 3. Notice**

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3 In addition to the notice requirements in Minn. Stat. § 144G.80, subd. 3, the licensee must:

- 4 A. notify all residents in the facility, designated representatives, legal representatives, and case  
5 managers of the license relinquishment and the date that the license will be relinquished; and  
6 B. provide a primary facility contact that the resident, resident’s legal representative, designated  
7 representative, and case manager can contact to discuss transitioning the resident out of the  
8 facility due to the license relinquishment.  
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11 **Subp. 4. Resident Transition Evaluation**

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13 The licensee shall:

- 14 A. prepare, for each affected resident, a transition evaluation of the needs of that resident, which  
15 shall include recommendations on the type of facility that would meet the needs of the resident  
16 based on:  
17 1) the resident’s current service plan;  
18 2) the list of alternative assisted living facilities with a dementia care license identified in  
19 Subpart 2, Item E; and  
20 3) the needs, choice, and best interests of the resident.  
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23 **Subp. 5. Resident Transition Plan**

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25 A. The facility shall hold a planning conference in order to develop a resident transition plan in  
26 collaboration with the resident and the resident’s legal representative, designated representative,  
27 and case manager.  
28 B. The resident transition plan will take into account the transition evaluation developed in Subpart  
29 4.  
30 C. The resident transition plan must also address the following:  
31 1) the date and time of the resident’s move;  
32 2) how the resident’s personal property will be transported;  
33 3) the facility’s policy of storing and caring for a resident’s belongings;  
34 4) the steps for ensuring the safe and proper transfer of the resident’s medications; and  
35 5) how moving expenses will be paid.  
36 D. The facility shall implement the resident transition plan developed under Item A and comply  
37 with the coordinated move requirements in Minn. Stat. § 144G.55, subds, 1(a)-(c), 2.  
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40 **Subp. 6. Licensee Responsibilities Related to Notice**

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42 For residents identified in Subpart 2, Item D, unit 4 who are also identified as receiving medical  
43 assistance, the licensee shall contact representatives from the county social services agency identified in  
44 Subpart 2, Item D, unit 2 to assist in developing a resident transition plan.  
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1 **Subp. 7. Resident Transition Verification**  
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3 In accordance with Minn. Stat. § 144G.80, subd. 3(a)(4), within 10 business days of all affected  
4 residents having left the facility, the licensee, based on information provided by the resident, resident’s  
5 legal representative, designated representative, or case manager, shall notify the Commissioner verifying  
6 that the relinquishment process has been completed and that the affected residents were transferred or  
7 discharged in accordance with Minn. Stat. § 144G.55, subds. 1(a)-(c), 2.  
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10 **Subp. 8. Resident Right to Remain**  
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12 The resident shall have the right to remain in the facility for up to 60 calendar days after the licensee  
13 notifies the resident in Minn. Stat. § 144G.80, subd. 3(a)(1)(i) of effective the date of license  
14 relinquishment if an appropriate placement based on the resident transition plan has not occurred.  
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17 **Subp. 9. Staffing**  
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19 The facility shall honor all of the terms of the assisted living contract agreement under Minn. Stat. §  
20 144G.50 until the date of license relinquishment in order to ensure the well-being of all of the affected  
21 residents as they continue to reside in the facility.  
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24 **Subp. 10. Information Regarding Resident Relocation to Receiving Facility**  
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26 In addition to the requirements listed in Minn. Stat. § 144G.43, subd. 4, and with the resident’s consent,  
27 the facility shall provide in writing to the resident’s receiving facility the following information:

- 28 A. The name and address of the assisted living facility, the dates of the resident’s admission and  
29 discharge or transfer or relocation, and the name and address of a person at the facility to contact  
30 for additional information;
- 31 B. Names and addresses of the resident’s significant social or community contacts.
- 32 C. The resident’s most recent service plan; and
- 33 D. The reason for the resident’s transition.  
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36 **Subp. 11. Disbursement of Resident Funds**  
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38 Within 30 calendar days of the effective date of the license relinquishment, the facility must follow the  
39 requirements of Minn. Stat. § 144G.42, subd. 5 for the affected residents.  
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1 **Subp. 12. Resident Discharge Summary**  
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3 When a facility anticipates discharge, the facility will provide the resident with a written discharge  
4 summary that includes, but is not limited to the following:

- 5 A. A synopsis of the resident’s stay that includes, but is not limited to, diagnoses, course of  
6 illness/treatment or therapy, and pertinent lab, radiology, and consultation results.
  - 7 B. A final summary of the resident’s status from the latest assessment or review under Minn. Stat. §  
8 144G.70, if applicable, at the time of discharge that is available for release to authorized persons  
9 and agencies, with the consent of the resident or resident’s representative.
  - 10 C. Reconciliation of all pre-discharge medications with the resident’s post-discharge medications  
11 (both prescribed and over-the-counter medications).
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14 **Subp. 13. License Forfeiture**  
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16 The facility forfeits its assisted living with dementia care license upon the effective date of  
17 relinquishment according to Minn. Stat. § 144G.80, subd. 3(a)(1)(i).  
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20 **Subp. 14. Fines**  
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22 TBD.  
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