Current Providers Required to Transition to Assisted Living Licensure

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

Assisted Living Licensure

Any current or future operating facility that intends to provide sleeping accommodations (housing) and assisted living services, either with or without dementia care, must apply for an Assisted Living Facility License. An Assisted Living Facility License must be obtained before providing assisted living services.

Assisted Living Services

Assisted living services include one or more of the following:

- assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and bathing
- providing standby assistance
- providing verbal or visual reminders to the resident to take regularly scheduled medication, which includes bringing the resident previously set up medication, medication in original containers, or liquid or food to accompany the medication
- providing verbal or visual reminders to the resident to perform regularly scheduled treatments and exercises
- preparing specialized diets ordered by a licensed health professional
- services of an advanced practice registered nurse, registered nurse, licensed practical nurse, physical therapist, respiratory therapist, occupational therapist, speech-language pathologist, dietitian or nutritionist, or social worker
- tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed health professional within the person's scope of practice
- medication management services
- hands-on assistance with transfers and mobility
- treatment and therapies
- assisting residents with eating when the residents have complicated eating problems as identified in the resident record or through an assessment such as difficulty swallowing, recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous instruments to be fed
- providing other complex or specialty health care services
CURRENT PROVIDERS TRANSITIONING TO ALL

- supportive services in addition to the provision of at least one of the services listed above

“Supportive services” means:
- assistance with laundry, shopping, and household chores
- housekeeping services
- provision or assistance with meals or food preparation
- help with arranging for, or arranging transportation to, medical, social, recreational, personal, or social services appointments
- provision of social or recreational services
- "I'm okay" check services. "I'm okay' check services" means having, maintaining, and documenting a system to, by any means, check on the safety of a resident a minimum of once daily or more frequently according to the assisted living contract.

Arranging for services does not include making referrals, or contacting a service provider in an emergency.

Housing with Services

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.

Customized Living Services

Providers of the Home and Community-Based Services (HCBS) waiver service of customized living services MUST have an assisted living license to continue providing customized living services. This applies to the following waiver programs:
- Elderly Waiver (EW)
- Brain Injury (BI)
- Community Access for Disability Inclusion (CADI)

There are a limited number of customized living settings that are excluded from assisted living licensure. These settings may continue to deliver customized living services, pending federal approval. The list of excluded settings include:
- Public Housing Buildings and Developments
- Section 202 (elderly) Multi-Family Buildings
- Section 811 (disability) Multi-Family Buildings
Consequences

Operating an assisted living facility without a license is a misdemeanor (144G.10). The commissioner may also impose a fine.

Resources

Minnesota Statutes Chapter 144G. Assisted Living (www.revisor.mn.gov/statutes/cite/144G)

Minnesota Session Laws - 2020, 7th Special Session (www.revisor.mn.gov/laws/2020/7/Session+Law/Chapter/1/)

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

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

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