

# Assisted Living Licensure in Minnesota: Making the Transition

## New Legislation Creates Assisted Living License

The 2019 Minnesota Legislature enacted a law to create new licensing requirements for assisted living in Minnesota. The new assisted living licensure law is in [Minnesota Statutes, Chapter 144G, Assisted Living \(https://www.revisor.mn.gov/statutes/cite/144G\)](https://www.revisor.mn.gov/statutes/cite/144G).

The new assisted living licensure, which goes into effect August 1, 2021, applies to:

- Current providers of assisted living services.
- Arranged home care providers in a housing with services establishment.
- Providers of customized living services under the Elderly Waiver (EW), Brain Injury (BI), or Community Access for Disability Inclusion (CADI) waiver.
- Organizations planning to provide assisted living services and/or customized living services in Minnesota.

## One License that Combines Housing and Services

Under the new law, each assisted living facility will have one single, integrated license that combines an assisted living resident's housing and services. Housing with Services and Home Care regulations will be replaced with the assisted living regulations under [Minnesota Statutes, Chapter 144G, Assisted Living \(https://www.revisor.mn.gov/statutes/cite/144G\)](https://www.revisor.mn.gov/statutes/cite/144G).

There are two types of license a facility may choose to have, *either*:

- the assisted living facility license for a facility that provides sleeping accommodations and assisted living services to one or more adults.
- the assisted living facility with dementia care license for a facility that is advertised, marketed, or otherwise promoted as providing specialized care for individuals with Alzheimer's disease or other dementias. An assisted living facility with a secured dementia care unit must be licensed as an assisted living facility with dementia care.

If you hold a housing with services establishment registration or a home care license on or before July 31, 2021, and you apply for one of the assisted living facility licenses listed above, you will be issued a license to provide those services.

If you are a new provider and do not hold a housing with services establishment registration or a home care license on or before July 31, 2021, and you apply for one of the assisted living facility licenses listed above, you will be issued a *provisional* license to provide those services.

## Fees

The fee structure for the new license will be:

- Assisted Living Facility License = \$2,000 plus \$75 per resident
- Assisted Living Facility with Dementia Care License = \$3,000 plus \$100 per resident

## Impacts to Department of Human Services Programs

Providers of the Home and Community-Based Services (HCBS) waiver service of customized living services must have an assisted living license to continue delivering 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

These settings are excluded from assisted living licensure under Minnesota Statutes, section 144G.08, subdivision 7, paragraphs 11-13.

For more details about the different types of licenses, please refer to our previous [Assisted Living Licensure in Minnesota fact sheet](https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/factsheet.pdf) (<https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/factsheet.pdf>).

If you have questions about the kind of Home and Community Based Services you will provide, please contact the Minnesota Department of Human Services Aging and Adult Services Division at [dhs.aasd.hcbs@state.mn.us](mailto:dhs.aasd.hcbs@state.mn.us).

## Assisted Living Facility Requirements

You must have an assisted living facility license if you plan to provide assisted living services on or after August 1, 2021.

- The person or legal entity applying for the assisted living facility license may or may not be the same as the current housing with services establishment registrant.
- You will be prohibited from providing assisted living services as defined in Minnesota Statutes, section 144G.08, subdivision 9, on or after August 1, 2021, unless you have an assisted living facility license.

Whether a license applicant will be seeking to become licensed for the first time or a current home care provider or housing with services registrant needs to transition to a new license, you must follow the new license application requirements.

**Conversion to assisted living licensure; background studies.** Any new individuals listed on the assisted living facility application who have a direct ownership interest in the license or who are managerial officials are subject to background study requirements. No individual may be involved in the management, operation, or control of an assisted living facility if the individual has been disqualified under Minnesota Statutes Chapter 245C.

**Changes of ownership; current housing with services establishment registrations.** An assisted living facility registered as a housing with services establishment prior to August 1, 2021, that expects to change ownership on or after August 1, 2021, must submit an assisted living facility change of ownership application along with an assisted living facility license application at least 60 calendar days prior to the anticipated effective date of the sale or transaction.

**Providers are not required to apply for an assisted living facility license at this time.** Information about the new regulatory responsibilities of assisted living facilities and when and how to apply for an Assisted Living Facility License will be provided in the fall of 2020. To receive updates on the Assisted Living Licensure Rulemaking process, visit our [Assisted Living Licensure Rulemaking website \(https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html) and sign up for “Email Updates.”

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651-539-3049 or 844-926-1061

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

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