A bill for an act

relating to health; establishing consumer protections for residents of assisted living establishments; prohibiting deceptive marketing and business practices; establishing provisions for independent senior living facilities; establishing an assisted living establishment license; changing the name for Board of Examiners for Nursing Home Administrators; imposing fees; establishing a health services executive license; making certain conforming changes; providing penalties; granting rulemaking authority; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 144.051, subdivisions 4, 5, 6; 144.057, subdivision 1; 144.122; 144A.04, subdivision 5; 144A.19, subdivision 1; 144A.20, subdivision 1, by adding subdivisions; 144A.21; 144A.23; 144A.24; 144A.251; 144A.2511; 144A.26; 144A.44, subdivision 1; 144A.471, subdivisions 7, 9; 144A.472, subdivision 7; 144A.474, subdivisions 9, 11, by adding a subdivision; 144A.475, subdivisions 3b, 5; 144A.476, subdivision 1; 144A.479; 144A.481; 256.5572, subdivision 6; 256.5575, subdivision 1; 256.5576, subdivisions 1, 2; 325F.72, subdivisions 6; proposing coding for new law in Minnesota Statutes, chapters 144; 144G; 256M; 325F; proposing coding for new law as Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2018, sections 144A.441; 144A.442; 144A.472, subdivision 4; 144D.01; 144D.015; 144D.02; 144D.025; 144D.03; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07; 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04; 144G.05; 144G.06.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

ASSISTED LIVING LICENSURE

Section 1. Minnesota Statutes 2018, section 144.122, is amended to read:

144.122 LICENSE, PERMIT, AND SURVEY FEES.

1. Subdivision 9 is amended to read:

(a) The state commissioner of health, by rule, may prescribe procedures and fees for filing with the commissioner as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations, and certifications issued under authority of the
Sec. 16. Minnesota Statutes 2018, section 144A.44, subdivision 1, is amended to read:

Subdivision 1. Statement of rights. (a) A person who receives home care services in the community or in an assisted living facility licensed under chapter 144F has these rights:

(1) the right to receive written information, in plain language, about rights before receiving services, including what to do if rights are violated;

(2) the right to receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards and person-centered care, to take an active part in developing, modifying, and evaluating the plan and services;
(3) the right to be told before receiving services the type and disciplines of staff who will be providing the services, the frequency of visits proposed to be furnished, other choices that are available for addressing home care needs, and the potential consequences of refusing these services;

(4) the right to be told in advance of any recommended changes by the provider in the service plan and to take an active part in any decisions about changes to the service plan;

(5) the right to refuse services or treatment;

(6) the right to know, before receiving services or during the initial visit, any limits to the services available from a home care provider;

(7) the right to be told before services are initiated what the provider charges for the services; to what extent payment may be expected from health insurance, public programs, or other sources, if known; and what charges the client may be responsible for paying;

(8) the right to know that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services;

(9) the right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, or other health programs, or public programs;

(10) the right to have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;

(11) the right to access the client's own records and written information from those records in accordance with sections 144.291 to 144.298;

(12) the right to be served by people who are properly trained and competent to perform their duties;

(13) the right to be treated with courtesy and respect, and to have the client's property treated with respect;

(14) the right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act;

(15) the right to reasonable, advance notice of changes in services or charges;

(16) the right to know the provider's reason for termination of services;

Article 4 Sec. 16.
135.1 (17) the right to at least ten calendar days’ advance notice of the termination of a service
by a home care provider, except at least 30 calendar days’ advance notice of the service
termination shall be given by a home care provider for services provided to a client residing
in an assisted living facility as defined in section 1441.01, subdivision 7. This clause does
not apply in cases where:

135.2 (i) the client engages in conduct that significantly alters the terms of the service plan
with the home care provider;

135.3 (ii) the client, person who lives with the client, or others create an abusive or unsafe
work environment for the person providing home care services; or

135.4 (iii) an emergency or a significant change in the client’s condition has resulted in service
needs that exceed the current service plan and that cannot be safely met by the home care
provider;

135.5 (18) the right to a coordinated transfer when there will be a change in the provider of
services;

135.6 (19) the right to complain to staff and others of the client’s choice about services that
are provided, or fail to be provided, and the lack of courtesy or respect to the client or the
client’s property and the right to recommend changes in policies and services, free from
retaliation including the threat of termination of services;

135.7 (20) the right to know how to contact an individual associated with the home care provider
who is responsible for handling problems and to have the home care provider investigate
and attempt to resolve the grievance or complaint;

135.8 (21) the right to know the name and address of the state or county agency to contact for
additional information or assistance; and

135.9 (22) the right to assert these rights personally, or have them asserted by the client’s
representative or by anyone on behalf of the client, without retaliation; and

135.10 (23) place an electronic monitoring device in the client’s or resident’s space in compliance
with state requirements.

135.11 (b) When providers violate the rights in this section, they are subject to the fines and
license actions in sections 144A.474, subdivision 11, and 144A.475.

135.12 (c) Providers must do all of the following:

135.13 (1) encourage and assist in the fullest possible exercise of these rights;
(2) provide the names and telephone numbers of individuals and organizations that provide advocacy and legal services for clients and residents seeking to assert their rights;

(3) make every effort to assist clients or residents in obtaining information regarding whether Medicare, medical assistance, other health programs, or public programs will pay for services;

(4) make reasonable accommodations for people who have communication disabilities, or those who speak a language other than English; and

(5) provide all information and notices in plain language and in terms the client or resident can understand.

(d) No provider may require or request a client or resident to waive any of the rights listed in this section at any time or for any reasons, including as a condition of initiating services or entering into an assisted living contract.