

Assisted Living Licensure

Status Report 11/16

Final language is still under development, and this should be considered a draft.

The ALL work group has identified a number of **things that are working well in long term services and supports that should be preserved and built upon**, including:

- honoring resident/consumer preferences, self-determination and choice
- aging in place as much as possible
- providing a full range of options and supporting people to live in the community to the fullest extent possible
- the state's Olmstead plan
- the state's community based services programs, including compliance with the Medicaid HCBS settings requirements

We have also agreed on a number of **core problems we are trying to solve**, including:

- significant complexity and gaps in the current fragmented regulatory scheme
- confusion for residents, and family members
- confusion for policymakers, regulators, administrators and providers
- insufficient protections for safety of vulnerable people, including but not limited to protections against arbitrary discharge and requirements for safe and orderly transfers
- insufficient training and staffing requirements for those caring for residents and patients with complex care needs
- unclear and insufficient accountability for owners, operators and providers
- inconsistent and insufficient enforcement by regulators, and inadequate regulatory tools in some instances

The work group agrees on a number of core concepts. Final language is still under development and this should be considered a draft. However the concepts include:

- Everything related to assisted living should be placed into one chapter of law and one "enforcement stream".
- Any level of services beyond housing should require some level of regulation, beyond simply registration. The level of regulation should be appropriate to the mix of services offered, the

level of need and complexity of the people being served, and the degree of consumer control over their choices in a setting.

- A new regulatory approach should be person-centered and should continue to support aging in place as much as possible.
- Defining settings and providers by the age of people served is no longer an appropriate criterion.

Based on core concepts from the Consumer Work Group's 2018 legislative proposal, and from the Long Term Care Imperative, the work group is considering the following framework for a legislative proposal in 2019.

1. Convert the Housing with Services registration into a multi-level licensure approach.

- Level One would be Housing with Supportive (non health-care) Services only; standard definition of the services to be developed.
- Level Two would be Assisted Living Basic, offering health care services as defined as basic in the home care licensure law.
- Level Three would be Assisted Living Comprehensive, offering health care services as defined as comprehensive in the home care licensure law.
- All providers who provide services currently outlined in 144G.03, subd 2. will fall under this licensure.
- Level Four (or certification in addition to AL licensure) would be for dementia and memory care services or units.

2. Specifications in the law would include:

- Physical plant requirements
 - Both minimums (eg., sprinklers) and criteria for new construction (eg. accessibility needs)
- Specific criteria for client evaluation and admission procedures
- Specific requirements for disclosures to prospective clients/residents
- Lease or Service termination requirements including appeal rights and requirements for transfers to new care settings
- ONE licensed entity will be responsible for all services, even if subcontracted to other organizations (housing, health care services, support services, etc.)