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State of Minnesota

HOUSE OF REPRESENTATIVES

SIXTH SPECIAL SESSION

H. F. No. 13

11/12/2020 Authored by Klevorn
The bill was read for the first time and referred to the Long-Term Care Division

1.1 A bill for an act
1.2 relating to health; modifying electronic monitoring requirements; modifying Board
1.3 of Executives for Long-Term Service and Supports fees; establishing private
1.4 enforcement of certain rights; establishing a private cause of action for retaliation
1.5 in certain long-term care settings; modifying infection control requirements in
1.6 certain long-term care settings; modifying hospice and assisted living bills of
1.7 rights; establishing consumer protections for clients receiving assisted living
1.8 services; prohibiting termination of assisted living services during a peacetime
1.9 emergency; establishing procedures for transfer of clients receiving certain
1.10 long-term care services during a peacetime emergency; requiring the commissioner
1.11 of health to establish a state plan to control SARS-CoV-2 infections in certain
1.12 long-term care settings; establishing the Long-Term Care COVID-19 Task Force;
1.13 changing provisions for nursing homes, home care, and assisted living; requiring
1.14 a report; appropriating money; amending Minnesota Statutes 2020, sections 144.56,
1.15 by adding subdivisions; 144.6502, subdivision 3, by adding a subdivision; 144.6512,
1.16 by adding subdivisions; 144.652, by adding a subdivision; 144A.04, by adding
1.17 subdivisions; 144A.291, subdivision 2; 144A.4798, subdivision 3, by adding
1.18 subdivisions; 144A.751, subdivision 1; 144G.03, by adding subdivisions; 144G.07,
1.19 by adding subdivisions; 144G.08, subdivisions 7, 9, 23, by adding a subdivision;
1.20 144G.09, subdivision 3; 144G.10, subdivision 1, by adding a subdivision; 144G.42,
1.21 subdivision 9, by adding subdivisions; 144G.45, subdivisions 2, 5; 144G.91, by
1.22 adding a subdivision; 144G.92, subdivision 5, by adding a subdivision; Laws 2019,
1.23 chapter 60, article 1, section 46; article 5, section 2; proposing coding for new law
1.24 in Minnesota Statutes, chapters 144A; 144G.

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

1.26 Section 1. Minnesota Statutes 2020, section 144.56, is amended by adding a subdivision
1.27 to read:

1.28 Subd. 2d. Severe acute respiratory syndrome-related coronavirus infection
1.29 control. (a) A boarding care home must establish and maintain a comprehensive severe
1.30 acute respiratory syndrome-related coronavirus infection control program that complies
1.31 with accepted health care, medical, and nursing standards for infection control according

2.1 to the most current SARS-CoV-2 infection control guidelines or their successor versions
 2.2 issued by the United States Centers for Disease Control and Prevention, Centers for Medicare
 2.3 and Medicaid Services, and the commissioner. This program must include a severe acute
 2.4 respiratory syndrome-related coronavirus infection control plan that covers all paid and
 2.5 unpaid employees, contractors, students, volunteers, residents, and visitors. The commissioner
 2.6 shall provide technical assistance regarding implementation of the guidelines.

2.7 (b) The boarding care home must maintain written evidence of compliance with this
 2.8 subdivision.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.10 Sec. 2. Minnesota Statutes 2020, section 144.56, is amended by adding a subdivision to
 2.11 read:

2.12 Subd. 2e. **Severe acute respiratory syndrome-related coronavirus response plan.** (a)
 2.13 A boarding care home must establish, implement, and maintain a severe acute respiratory
 2.14 syndrome-related coronavirus response plan. The severe acute respiratory syndrome-related
 2.15 coronavirus response plan must be consistent with the requirements of subdivision 2d and
 2.16 at a minimum must address the following:

2.17 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
 2.18 all paid and unpaid employees, contractors, students, volunteers, residents, and visitors;

2.19 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
 2.20 students, volunteers, residents, and visitors;

2.21 (3) separation or isolation of residents infected with SARS-CoV-2 or a similar severe
 2.22 acute respiratory syndrome-related coronavirus from residents who are not;

2.23 (4) balancing the rights of residents with controlling the spread of SARS-CoV-2 or
 2.24 similar severe acute respiratory syndrome-related coronavirus infections;

2.25 (5) resident relocations, including steps to be taken to mitigate trauma for relocated
 2.26 residents receiving memory care;

2.27 (6) clearly informing residents of the boarding care home's policies regarding the effect
 2.28 of hospice orders, provider orders for life-sustaining treatment, do not resuscitate orders,
 2.29 and do not intubate orders on any treatment of COVID-19 disease or similar severe acute
 2.30 respiratory syndromes;

2.31 (7) mitigating the effects of separation or isolation of residents, including virtual visitation,
 2.32 outdoor visitation, and for residents who cannot go outdoors, indoor visitation;

3.1 (8) compassionate care visitation;

3.2 (9) consideration of any campus model, multiple buildings on the same property, or any
 3.3 mix of independent senior living units in the same building as assisted living units;

3.4 (10) steps to be taken when a resident is suspected of having a SARS-CoV-2 or similar
 3.5 severe acute respiratory syndrome-related coronavirus infection;

3.6 (11) steps to be taken when a resident tests positive for a SARS-CoV-2 or similar severe
 3.7 acute respiratory syndrome-related coronavirus infection;

3.8 (12) protocols for emergency medical responses involving residents with SARS-CoV-2
 3.9 or similar severe acute respiratory syndrome-related coronavirus infections, including
 3.10 infection control procedures following the departure of ambulance service personnel or
 3.11 other first responders;

3.12 (13) notifying the commissioner when staffing levels are critically low; and

3.13 (14) taking into account dementia-related concerns.

3.14 (b) A boarding care home must provide the commissioner with a copy of a severe acute
 3.15 respiratory syndrome-related coronavirus response plan meeting the requirements of this
 3.16 subdivision.

3.17 (c) A boarding care home must make its severe acute respiratory syndrome-related
 3.18 coronavirus response plan available to staff, residents, and families of residents.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.20 Sec. 3. Minnesota Statutes 2020, section 144.6502, subdivision 3, is amended to read:

3.21 Subd. 3. **Consent to electronic monitoring.** (a) Except as otherwise provided in this
 3.22 subdivision, a resident must consent to electronic monitoring in the resident's room or private
 3.23 living unit in writing on a notification and consent form. If the resident has not affirmatively
 3.24 objected to electronic monitoring and the resident representative attests that the resident's
 3.25 medical professional ~~determines~~ determined that the resident currently lacks the ability to
 3.26 understand and appreciate the nature and consequences of electronic monitoring, the resident
 3.27 representative may consent on behalf of the resident. For purposes of this subdivision, a
 3.28 resident affirmatively objects when the resident orally, visually, or through the use of
 3.29 auxiliary aids or services declines electronic monitoring. The resident's response must be
 3.30 documented on the notification and consent form.

4.1 (b) Prior to a resident representative consenting on behalf of a resident, the resident must
4.2 be asked if the resident wants electronic monitoring to be conducted. The resident
4.3 representative must explain to the resident:

4.4 (1) the type of electronic monitoring device to be used;

4.5 (2) the standard conditions that may be placed on the electronic monitoring device's use,
4.6 including those listed in subdivision 6;

4.7 (3) with whom the recording may be shared under subdivision 10 or 11; and

4.8 (4) the resident's ability to decline all recording.

4.9 (c) A resident, or resident representative when consenting on behalf of the resident, may
4.10 consent to electronic monitoring with any conditions of the resident's or resident
4.11 representative's choosing, including the list of standard conditions provided in subdivision
4.12 6. A resident, or resident representative when consenting on behalf of the resident, may
4.13 request that the electronic monitoring device be turned off or the visual or audio recording
4.14 component of the electronic monitoring device be blocked at any time.

4.15 (d) Prior to implementing electronic monitoring, a resident, or resident representative
4.16 when acting on behalf of the resident, must obtain the written consent on the notification
4.17 and consent form of any other resident residing in the shared room or shared private living
4.18 unit. A roommate's or roommate's resident representative's written consent must comply
4.19 with the requirements of paragraphs (a) to (c). Consent by a roommate or a roommate's
4.20 resident representative under this paragraph authorizes the resident's use of any recording
4.21 obtained under this section, as provided under subdivision 10 or 11.

4.22 (e) Any resident conducting electronic monitoring must immediately remove or disable
4.23 an electronic monitoring device prior to a new roommate moving into a shared room or
4.24 shared private living unit, unless the resident obtains the roommate's or roommate's resident
4.25 representative's written consent as provided under paragraph (d) prior to the roommate
4.26 moving into the shared room or shared private living unit. Upon obtaining the new
4.27 roommate's signed notification and consent form and submitting the form to the facility as
4.28 required under subdivision 5, the resident may resume electronic monitoring.

4.29 (f) The resident or roommate, or the resident representative or roommate's resident
4.30 representative if the representative is consenting on behalf of the resident or roommate, may
4.31 withdraw consent at any time and the withdrawal of consent must be documented on the
4.32 original consent form as provided under subdivision 5, paragraph (d).

4.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 4. Minnesota Statutes 2020, section 144.6502, is amended by adding a subdivision
5.2 to read:

5.3 Subd. 7a. **Installation during isolation.** (a) Anytime visitation is restricted or a resident
5.4 is isolated for any reason, including during a public health emergency, and the resident or
5.5 resident representative chooses to conduct electronic monitoring, a facility must place and
5.6 set up any device, provided the resident or resident representative delivers the approved
5.7 device to the facility with clear instructions for setting up the device and the resident or
5.8 resident representative assumes all risk in the event the device malfunctions.

5.9 (b) If a facility places an electronic monitoring device under this subdivision, the
5.10 requirements of this chapter, including requirements of subdivision 7, continue to apply.

5.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.12 Sec. 5. Minnesota Statutes 2020, section 144.6512, is amended by adding a subdivision
5.13 to read:

5.14 Subd. 6. **Other laws.** Nothing in this section affects the rights and remedies available
5.15 under section 626.557, subdivisions 10, 17, and 20.

5.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.17 Sec. 6. Minnesota Statutes 2020, section 144.6512, is amended by adding a subdivision
5.18 to read:

5.19 Subd. 7. **Cause of action.** A cause of action for violations of this section may be brought
5.20 and nothing in this section precludes a person from pursuing such an action. Any
5.21 determination of retaliation by the commissioner under subdivision 5 may be used as evidence
5.22 of retaliation in any cause of action under this subdivision.

5.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.24 Sec. 7. Minnesota Statutes 2020, section 144.652, is amended by adding a subdivision to
5.25 read:

5.26 Subd. 3. **Enforcement of the health care bill of rights by nursing home residents.** In
5.27 addition to the remedies otherwise provided by or available under law, a resident of a nursing
5.28 home or a legal representative on behalf of a resident, in addition to seeking any remedy
5.29 otherwise available under law, may bring a civil action against a nursing home and recover
5.30 actual damages or \$3,000, whichever is greater, plus costs, including costs of investigation,

6.1 and reasonable attorney fees, and receive other equitable relief as determined by the court
6.2 for violation of section 144.651, subdivision 14, 20, 22, 26, or 30.

6.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.4 Sec. 8. Minnesota Statutes 2020, section 144A.04, is amended by adding a subdivision to
6.5 read:

6.6 Subd. 3c. **Severe acute respiratory syndrome-related coronavirus infection**
6.7 **control.** (a) A nursing home provider must establish and maintain a comprehensive severe
6.8 acute respiratory syndrome-related coronavirus infection control program that complies
6.9 with accepted health care, medical, and nursing standards for infection control according
6.10 to the most current SARS-CoV-2 infection control guidelines or their successor versions
6.11 issued by the United States Centers for Disease Control and Prevention, Centers for Medicare
6.12 and Medicaid Services, and the commissioner. This program must include a severe acute
6.13 respiratory syndrome-related coronavirus infection control plan that covers all paid and
6.14 unpaid employees, contractors, students, volunteers, residents, and visitors. The commissioner
6.15 shall provide technical assistance regarding implementation of the guidelines.

6.16 (b) The nursing home provider must maintain written evidence of compliance with this
6.17 subdivision.

6.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.19 Sec. 9. Minnesota Statutes 2020, section 144A.04, is amended by adding a subdivision to
6.20 read:

6.21 Subd. 3d. **Severe acute respiratory syndrome-related coronavirus response plan.** (a)
6.22 A nursing home provider must establish, implement, and maintain a severe acute respiratory
6.23 syndrome-related coronavirus response plan. The severe acute respiratory syndrome-related
6.24 coronavirus response plan must be consistent with the requirements of subdivision 3c and
6.25 at a minimum must address the following:

6.26 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
6.27 all paid and unpaid employees, contractors, students, volunteers, residents, and visitors;

6.28 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
6.29 students, volunteers, residents, and visitors;

6.30 (3) separation or isolation of residents infected with SARS-CoV-2 or a similar severe
6.31 acute respiratory syndrome-related coronavirus from residents who are not;

7.1 (4) balancing the rights of residents with controlling the spread of SARS-CoV-2 or
7.2 similar severe acute respiratory syndrome-related coronavirus infections;

7.3 (5) resident relocations, including steps to be taken to mitigate trauma for relocated
7.4 residents receiving memory care;

7.5 (6) clearly informing residents of the nursing home provider's policies regarding the
7.6 effect of hospice orders, provider orders for life-sustaining treatment, do not resuscitate
7.7 orders, and do not intubate orders on any treatment of COVID-19 disease or similar severe
7.8 acute respiratory syndromes;

7.9 (7) mitigating the effects of separation or isolation of residents, including virtual visitation,
7.10 outdoor visitation, and for residents who cannot go outdoors, indoor visitation;

7.11 (8) compassionate care visitation;

7.12 (9) consideration of any campus model, multiple buildings on the same property, or any
7.13 mix of independent senior living units in the same building as assisted living units;

7.14 (10) steps to be taken when a resident is suspected of having a SARS-CoV-2 or similar
7.15 severe acute respiratory syndrome-related coronavirus infection;

7.16 (11) steps to be taken when a resident tests positive for a SARS-CoV-2 or similar severe
7.17 acute respiratory syndrome-related coronavirus infection;

7.18 (12) protocols for emergency medical responses involving residents with SARS-CoV-2
7.19 or similar severe acute respiratory syndrome-related coronavirus infections, including
7.20 infection control procedures following the departure of ambulance service personnel or
7.21 other first responders;

7.22 (13) notifying the commissioner when staffing levels are critically low; and

7.23 (14) taking into account dementia-related concerns.

7.24 (b) A nursing home provider must provide the commissioner with a copy of a severe
7.25 acute respiratory syndrome-related coronavirus response plan meeting the requirements of
7.26 this subdivision.

7.27 (c) A nursing home provider must make its severe acute respiratory syndrome-related
7.28 coronavirus response plan available to staff, residents, and families of residents.

7.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.1 Sec. 10. Minnesota Statutes 2020, section 144A.291, subdivision 2, is amended to read:

8.2 Subd. 2. **Amounts.** (a) Fees may not exceed the following amounts but may be adjusted
8.3 lower by board direction and are for the exclusive use of the board as required to sustain
8.4 board operations. The maximum amounts of fees are:

8.5 (1) application for licensure, \$200;

8.6 (2) for a prospective applicant for a review of education and experience advisory to the
8.7 license application, \$100, to be applied to the fee for application for licensure if the latter
8.8 is submitted within one year of the request for review of education and experience;

8.9 (3) state examination, \$125;

8.10 (4) initial license, \$250 if issued between July 1 and December 31, \$100 if issued between
8.11 January 1 and June 30;

8.12 (5) acting ~~administrator~~ permit, \$400;

8.13 (6) renewal license, \$250;

8.14 (7) duplicate license, \$50;

8.15 (8) reinstatement fee, \$250;

8.16 ~~(9) health services executive initial license, \$200;~~

8.17 ~~(10) health services executive renewal license, \$200;~~

8.18 ~~(11)~~ (9) reciprocity verification fee, \$50;

8.19 ~~(12)~~ (10) second shared ~~administrator~~ assignment, \$250;

8.20 ~~(13)~~ (11) continuing education fees:

8.21 (i) greater than six hours, \$50; and

8.22 (ii) seven hours or more, \$75;

8.23 ~~(14)~~ (12) education review, \$100;

8.24 ~~(15)~~ (13) fee to a sponsor for review of individual continuing education seminars,
8.25 institutes, workshops, or home study courses:

8.26 (i) for less than seven clock hours, \$30; and

8.27 (ii) for seven or more clock hours, \$50;

9.1 ~~(16)~~ (14) fee to a licensee for review of continuing education seminars, institutes,
 9.2 workshops, or home study courses not previously approved for a sponsor and submitted
 9.3 with an application for license renewal:

9.4 (i) for less than seven clock hours total, \$30; and

9.5 (ii) for seven or more clock hours total, \$50;

9.6 ~~(17)~~ (15) late renewal fee, \$75;

9.7 ~~(18)~~ (16) fee to a licensee for verification of licensure status and examination scores,
 9.8 \$30;

9.9 ~~(19)~~ (17) registration as a registered continuing education sponsor, \$1,000; and

9.10 ~~(20)~~ (18) mail labels, \$75.

9.11 (b) The revenue generated from the fees must be deposited in an account in the state
 9.12 government special revenue fund.

9.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.14 Sec. 11. **[144A.4415] PRIVATE ENFORCEMENT OF RIGHTS.**

9.15 For a violation of section 144A.44, paragraph (a), clause (2), (14), (19), or (22), or section
 9.16 144A.4791, subdivision 11, paragraph (d), a resident or resident's designated representative
 9.17 may bring a civil action against an assisted living establishment and recover actual damages
 9.18 or \$3,000, whichever is greater, plus costs, including costs of investigation, and reasonable
 9.19 attorney fees, and receive other equitable relief as determined by the court in addition to
 9.20 seeking any other remedy otherwise available under law.

9.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.22 Sec. 12. Minnesota Statutes 2020, section 144A.4798, subdivision 3, is amended to read:

9.23 Subd. 3. **Infection control program.** A home care provider must establish and maintain
 9.24 an effective infection control program that complies with accepted health care, medical,
 9.25 and nursing standards for infection control, including during a disease pandemic.

9.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 13. Minnesota Statutes 2020, section 144A.4798, is amended by adding a subdivision
10.2 to read:

10.3 Subd. 4. Severe acute respiratory syndrome-related coronavirus infection control. (a)
10.4 A home care provider must establish and maintain a comprehensive severe acute respiratory
10.5 syndrome-related coronavirus infection control program that complies with accepted health
10.6 care, medical, and nursing standards for infection control according to the most current
10.7 SARS-CoV-2 infection control guidelines or the successor version issued by the United
10.8 States Centers for Disease Control and Prevention, Centers for Medicare and Medicaid
10.9 Services, and the commissioner. This program must include a severe acute respiratory
10.10 syndrome-related coronavirus infection control plan that covers all paid and unpaid
10.11 employees, contractors, students, volunteers, clients, and visitors. The commissioner shall
10.12 provide technical assistance regarding implementation of the guidelines.

10.13 (b) A home care provider must maintain written evidence of compliance with this
10.14 subdivision.

10.15 EFFECTIVE DATE. This section is effective the day following final enactment.

10.16 Sec. 14. Minnesota Statutes 2020, section 144A.4798, is amended by adding a subdivision
10.17 to read:

10.18 Subd. 5. Severe acute respiratory syndrome-related coronavirus response plan. (a)
10.19 A home care provider must establish, implement, and maintain a severe acute respiratory
10.20 syndrome-related coronavirus response plan. The severe acute respiratory syndrome-related
10.21 coronavirus response plan must be consistent with the requirements of subdivision 4 and
10.22 at a minimum must address the following:

10.23 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
10.24 all paid and unpaid employees, contractors, students, volunteers, clients, and visitors;

10.25 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
10.26 students, volunteers, clients, and visitors;

10.27 (3) balancing the rights of clients with controlling the spread of SARS-CoV-2 or similar
10.28 severe acute respiratory syndrome-related coronavirus infections;

10.29 (4) clearly informing clients of the home care provider's policies regarding the effect of
10.30 hospice orders, provider orders for life-sustaining treatment, do-not resuscitate orders, and
10.31 do-not intubate orders on any treatment of COVID-19 disease or similar severe acute
10.32 respiratory syndromes;

11.1 (5) steps to be taken when a client is suspected of having a SARS-CoV-2 or similar
 11.2 severe acute respiratory syndrome-related coronavirus infection;

11.3 (6) steps to be taken when a client tests positive for SARS-CoV-2 or a similar severe
 11.4 acute respiratory syndrome-related coronavirus infection;

11.5 (7) protocols for emergency medical responses involving clients with SARS-CoV-2 or
 11.6 similar severe acute respiratory syndrome-related coronavirus infections, including infection
 11.7 control procedures following the departure of ambulance service personnel or other first
 11.8 responders;

11.9 (8) notifying the commissioner when staffing levels are critically low; and

11.10 (9) taking into account dementia-related concerns.

11.11 (b) A home care provider must provide the commissioner with a copy of a severe acute
 11.12 respiratory syndrome-related coronavirus response plan meeting the requirements of this
 11.13 subdivision and subdivision 6.

11.14 (c) A home care provider must make its severe acute respiratory syndrome-related
 11.15 coronavirus response plan available to staff, clients, and families of clients.

11.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.17 Sec. 15. Minnesota Statutes 2020, section 144A.4798, is amended by adding a subdivision
 11.18 to read:

11.19 Subd. 6. **Disease prevention and infection control in congregate settings.** (a) A home
 11.20 care provider providing services to a client who resides either in an assisted living facility
 11.21 licensed under section 144G.10 or in a housing with services establishment registered under
 11.22 chapter 144D, regardless of the provider's status as an arranged home care provider as
 11.23 defined in section 144D.01, subdivision 2a, must coordinate and cooperate with the assisted
 11.24 living director of the assisted living facility in which a client of the unaffiliated home care
 11.25 provider resides or with the person primarily responsible for oversight and management of
 11.26 a housing with services establishment, as designated by the owner of the housing with
 11.27 services establishment, in which a client of the home care provider resides, to ensure that
 11.28 the home care provider meets all the requirements of this section while providing services
 11.29 in these congregate settings.

11.30 (b) In addition to meeting the requirements of subdivision 5, a home care provider
 11.31 providing services to a client who resides in either an assisted living facility licensed under
 11.32 section 144G.10 or a housing with services establishment registered under chapter 144D,

12.1 regardless of the provider's status as an arranged home care provider as defined in section
12.2 144D.01, subdivision 2a, must also address in the provider's severe acute respiratory
12.3 syndrome-related coronavirus response plan the following:

12.4 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
12.5 all paid and unpaid employees, contractors, students, volunteers, clients, and visitors of a
12.6 congregate setting in which the home care provider provides services;

12.7 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
12.8 students, volunteers, clients, and visitors of a congregate setting in which the home care
12.9 provider provides services;

12.10 (3) separation or isolation of clients infected with SARS-CoV-2 or a similar severe acute
12.11 respiratory syndrome-related coronavirus from clients who are not infected in a congregate
12.12 setting in which the home care provider serves clients;

12.13 (4) client relocations, including steps to be taken to mitigate trauma for relocated clients
12.14 receiving memory care;

12.15 (5) mitigating the effects of separation or isolation of clients, including virtual visitation,
12.16 outdoor visitation, and for clients who cannot go outdoors, indoor visitation in a congregate
12.17 setting in which the home care provider serves clients;

12.18 (6) compassionate care visitation in a congregate setting in which the home care provider
12.19 serves clients;

12.20 (7) consideration of any campus model, multiple buildings on the same property, or any
12.21 mix of independent senior living units in the same building as units in which home care
12.22 services are provided;

12.23 (8) steps to be taken when a client in a congregate setting in which the home care provider
12.24 serves clients is suspected of having a SARS-CoV-2 or similar severe acute respiratory
12.25 syndrome-related coronavirus infection; and

12.26 (9) steps to be taken when a client in a congregate setting in which the home care provider
12.27 serves clients tests positive for SARS-CoV-2 or a similar severe acute respiratory
12.28 syndrome-related coronavirus infection.

12.29 (c) A home care provider providing services to a client who resides in either an assisted
12.30 living facility licensed under section 144A.10 or a housing with services establishment
12.31 registered under chapter 144D, regardless of the provider's status as an arranged home care
12.32 provider as defined in section 144D.01, subdivision 2a, must make the home care provider's
12.33 severe acute respiratory syndrome-related coronavirus response plan available to the assisted

13.1 living director of the assisted living facility in which a client of the unaffiliated home care
 13.2 provider resides or to the person primarily responsible for oversight and management of a
 13.3 housing with services establishment, as designated by the owner of the housing with services
 13.4 establishment, in which a client of the home care provider resides.

13.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.6 Sec. 16. Minnesota Statutes 2020, section 144A.751, subdivision 1, is amended to read:

13.7 Subdivision 1. **Statement of rights.** An individual who receives hospice care has the
 13.8 right to:

13.9 (1) receive written information about rights in advance of receiving hospice care or
 13.10 during the initial evaluation visit before the initiation of hospice care, including what to do
 13.11 if rights are violated;

13.12 (2) receive care and services according to a suitable hospice plan of care and subject to
 13.13 accepted hospice care standards and to take an active part in creating and changing the plan
 13.14 and evaluating care and services;

13.15 (3) be told in advance of receiving care about the services that will be provided, the
 13.16 disciplines that will furnish care, the frequency of visits proposed to be furnished, other
 13.17 choices that are available, and the consequence of these choices, including the consequences
 13.18 of refusing these services;

13.19 (4) be told in advance, whenever possible, of any change in the hospice plan of care and
 13.20 to take an active part in any change;

13.21 (5) refuse services or treatment;

13.22 (6) know, in advance, any limits to the services available from a provider, and the
 13.23 provider's grounds for a termination of services;

13.24 (7) know in advance of receiving care whether the hospice services may be covered by
 13.25 health insurance, medical assistance, Medicare, or other health programs in which the
 13.26 individual is enrolled;

13.27 (8) receive, upon request, a good faith estimate of the reimbursement the provider expects
 13.28 to receive from the health plan company in which the individual is enrolled. A good faith
 13.29 estimate must also be made available at the request of an individual who is not enrolled in
 13.30 a health plan company. This payment information does not constitute a legally binding
 13.31 estimate of the cost of services;

- 14.1 (9) know that there may be other services available in the community, including other
14.2 end of life services and other hospice providers, and know where to go for information
14.3 about these services;
- 14.4 (10) choose freely among available providers and change providers after services have
14.5 begun, within the limits of health insurance, medical assistance, Medicare, or other health
14.6 programs;
- 14.7 (11) have personal, financial, and medical information kept private and be advised of
14.8 the provider's policies and procedures regarding disclosure of such information;
- 14.9 (12) be allowed access to records and written information from records according to
14.10 sections 144.291 to 144.298;
- 14.11 (13) be served by people who are properly trained and competent to perform their duties;
- 14.12 (14) be treated with courtesy and respect and to have the patient's property treated with
14.13 respect;
- 14.14 (15) voice grievances regarding treatment or care that is, or fails to be, furnished or
14.15 regarding the lack of courtesy or respect to the patient or the patient's property;
- 14.16 (16) be free from physical and verbal abuse;
- 14.17 (17) reasonable, advance notice of changes in services or charges, including at least ten
14.18 days' advance notice of the termination of a service by a provider, except in cases where:
- 14.19 (i) the recipient of services engages in conduct that alters the conditions of employment
14.20 between the hospice provider and the individual providing hospice services, or creates an
14.21 abusive or unsafe work environment for the individual providing hospice services;
- 14.22 (ii) an emergency for the informal caregiver or a significant change in the recipient's
14.23 condition has resulted in service needs that exceed the current service provider agreement
14.24 and that cannot be safely met by the hospice provider; or
- 14.25 (iii) the recipient is no longer certified as terminally ill;
- 14.26 (18) a coordinated transfer when there will be a change in the provider of services;
- 14.27 (19) know how to contact an individual associated with the provider who is responsible
14.28 for handling problems and to have the provider investigate and attempt to resolve the
14.29 grievance or complaint;
- 14.30 (20) know the name and address of the state or county agency to contact for additional
14.31 information or assistance;

15.1 (21) assert these rights personally, or have them asserted by the hospice patient's family
 15.2 when the patient has been judged incompetent, without retaliation; ~~and~~

15.3 (22) have pain and symptoms managed to the patient's desired level of comfort;

15.4 (23) revoke hospice election at any time; and

15.5 (24) receive curative treatment for any condition unrelated to the condition that prompted
 15.6 hospice election.

15.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.8 Sec. 17. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
 15.9 to read:

15.10 Subd. 7. **Disease prevention and infection control.** A person or entity receiving assisted
 15.11 living title protection under this chapter and the person primarily responsible for oversight
 15.12 and management of a housing with services establishment, as designated by the owner of
 15.13 the housing with services establishment, must coordinate and cooperate with a home care
 15.14 provider providing services to a client who resides in the establishment, regardless of the
 15.15 home care provider's status as an arranged home care provider as defined in section 144D.01,
 15.16 subdivision 2a, to ensure that the home care provider meets all the requirements of section
 15.17 144A.4798.

15.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.19 Sec. 18. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
 15.20 to read:

15.21 Subd. 8. **Tuberculosis (TB) infection control.** (a) A person or entity receiving assisted
 15.22 living title protection under this chapter must establish and maintain a comprehensive
 15.23 tuberculosis infection control program according to the most current tuberculosis infection
 15.24 control guidelines issued by the United States Centers for Disease Control and Prevention
 15.25 (CDC), Division of Tuberculosis Elimination, as published in the CDC's Morbidity and
 15.26 Mortality Weekly Report. This program must include a tuberculosis infection control plan
 15.27 that covers all paid and unpaid employees, contractors, students, and volunteers. The
 15.28 commissioner shall provide technical assistance regarding implementation of the guidelines.

15.29 (b) A person or entity receiving assisted living title protection under this chapter may
 15.30 comply with the requirements of this subdivision by participating in a comprehensive
 15.31 tuberculosis infection control program of an arranged home care provider.

16.1 (c) A person or entity receiving assisted living title protection under this chapter must
16.2 maintain written evidence of compliance with this subdivision.

16.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.4 Sec. 19. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
16.5 to read:

16.6 Subd. 9. **Communicable diseases.** A person or entity receiving assisted living title
16.7 protection under this chapter must follow current state requirements for prevention, control,
16.8 and reporting of communicable diseases in Minnesota Rules, parts 4605.7040, 4605.7044,
16.9 4605.7050, 4605.7075, 4605.7080, and 4605.7090.

16.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.11 Sec. 20. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
16.12 to read:

16.13 Subd. 10. **Infection control program.** (a) A person or entity receiving assisted living
16.14 title protection under this chapter must establish and maintain an effective infection control
16.15 program that complies with accepted health care, medical, and nursing standards for infection
16.16 control.

16.17 (b) A person or entity receiving assisted living title protection under this chapter may
16.18 comply with the requirements of this subdivision by participating in an effective infection
16.19 control program of an arranged home care provider.

16.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.21 Sec. 21. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
16.22 to read:

16.23 Subd. 11. **Severe acute respiratory syndrome-related coronavirus infection**
16.24 **control.** (a) A person or entity receiving assisted living title protection under this chapter
16.25 must establish and maintain a comprehensive severe acute respiratory syndrome-related
16.26 coronavirus infection control program that complies with accepted health care, medical,
16.27 and nursing standards for infection control according to the most current SARS-CoV-2
16.28 infection control guidelines or their successor versions issued by the United States Centers
16.29 for Disease Control and Prevention, Centers for Medicare and Medicaid Services, and the
16.30 commissioner. This program must include a severe acute respiratory syndrome-related
16.31 coronavirus infection control plan that covers all paid and unpaid employees, contractors,

17.1 students, volunteers, clients, and visitors. The commissioner shall provide technical assistance
17.2 regarding implementation of the guidelines.

17.3 (b) A person or entity receiving assisted living title protection under this chapter may
17.4 comply with the requirements of this subdivision by participating in a comprehensive severe
17.5 acute respiratory syndrome-related coronavirus infection control program of an arranged
17.6 home care provider.

17.7 (c) A person or entity receiving assisted living title protection under this chapter must
17.8 maintain written evidence of compliance with this subdivision.

17.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.10 Sec. 22. Minnesota Statutes 2020, section 144G.03, is amended by adding a subdivision
17.11 to read:

17.12 Subd. 12. **Severe acute respiratory syndrome-related coronavirus response plan.** (a)
17.13 A person or entity receiving assisted living title protection under this chapter must establish,
17.14 implement, and maintain a severe acute respiratory syndrome-related coronavirus response
17.15 plan. The severe acute respiratory syndrome-related coronavirus response plan must be
17.16 consistent with the requirements of subdivision 11 and at a minimum must address the
17.17 following:

17.18 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
17.19 all paid and unpaid employees, contractors, students, volunteers, clients, and visitors;

17.20 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
17.21 students, volunteers, clients, and visitors;

17.22 (3) separation or isolation of clients infected with SARS-CoV-2 or a similar severe acute
17.23 respiratory syndrome-related coronavirus from clients who are not;

17.24 (4) balancing the rights of residents with controlling the spread of SARS-CoV-2 or
17.25 similar severe acute respiratory syndrome-related coronavirus infections;

17.26 (5) client relocations, including steps to be taken to mitigate trauma for relocated clients
17.27 receiving memory care;

17.28 (6) clearly informing clients of the home care provider's policies regarding the effect of
17.29 hospice orders, provider orders for life-sustaining treatment, do not resuscitate orders, and
17.30 do not intubate orders on any treatment of COVID-19 disease or similar severe acute
17.31 respiratory syndromes;

18.1 (7) mitigating the effects of separation or isolation of clients, including virtual visitation,
18.2 outdoor visitation, and for clients who cannot go outdoors, indoor visitation;

18.3 (8) compassionate care visitation;

18.4 (9) consideration of any campus model, multiple buildings on the same property, or any
18.5 mix of independent senior living units in the same building as assisted living units;

18.6 (10) steps to be taken when a client is suspected of having a SARS-CoV-2 or similar
18.7 severe acute respiratory syndrome-related coronavirus infection;

18.8 (11) steps to be taken when a client tests positive for a SARS-CoV-2 or similar severe
18.9 acute respiratory syndrome-related coronavirus infection;

18.10 (12) protocols for emergency medical responses involving clients with SARS-CoV-2
18.11 or similar severe acute respiratory syndrome-related coronavirus infections, including
18.12 infection control procedures following the departure of ambulance service personnel or
18.13 other first responders;

18.14 (13) notifying the commissioner when staffing levels are critically low; and

18.15 (14) taking into account dementia-related concerns.

18.16 (b) A person or entity receiving assisted living title protection under this chapter must
18.17 provide the commissioner with a copy of a severe acute respiratory syndrome-related
18.18 coronavirus response plan meeting the requirements of this subdivision.

18.19 (c) A person or entity receiving assisted living title protection under this chapter must
18.20 make its severe acute respiratory syndrome-related coronavirus response plan available to
18.21 staff, clients, and families of clients.

18.22 (d) A person or entity receiving assisted living title protection under this chapter may
18.23 comply with the requirements of this subdivision by participating in a comprehensive severe
18.24 acute respiratory syndrome-related coronavirus infection control program of an arranged
18.25 home care provider.

18.26 (e) The commissioner may impose a fine not to exceed \$1,000 on the housing with
18.27 services registrant for a violation of this subdivision. A registrant may appeal an imposed
18.28 fine under the contested case procedure in section 144A.475, subdivisions 3a, 4, and 7.
18.29 Fines collected under this section shall be deposited in the state treasury and credited to the
18.30 state government special revenue fund. Continued noncompliance with the requirements
18.31 of this subdivision may result in revocation or nonrenewal of the housing with services

19.1 registration. The commissioner shall make public the list of all housing with services
 19.2 establishments that have complied with paragraph (b).

19.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.4 Sec. 23. Minnesota Statutes 2020, section 144G.07, is amended by adding a subdivision
 19.5 to read:

19.6 Subd. 6. **Other laws.** Nothing in this section affects the rights and remedies available
 19.7 under section 626.557, subdivisions 10, 17, and 20.

19.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.9 Sec. 24. Minnesota Statutes 2020, section 144G.07, is amended by adding a subdivision
 19.10 to read:

19.11 Subd. 7. **Cause of action.** A cause of action for violations of this section may be brought
 19.12 and nothing in this section precludes a person from pursuing such an action. Any
 19.13 determination of retaliation by the commissioner under subdivision 5 may be used as evidence
 19.14 of retaliation in any cause of action under this subdivision.

19.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

19.16 Sec. 25. Minnesota Statutes 2020, section 144G.08, subdivision 7, is amended to read:

19.17 Subd. 7. **Assisted living facility.** "Assisted living facility" means a ~~licensed~~ facility that
 19.18 provides sleeping accommodations and assisted living services to one or more adults.
 19.19 Assisted living facility includes assisted living facility with dementia care, and does not
 19.20 include:

19.21 (1) emergency shelter, transitional housing, or any other residential units serving
 19.22 exclusively or primarily homeless individuals, as defined under section 116L.361;

19.23 (2) a nursing home licensed under chapter 144A;

19.24 (3) a hospital, certified boarding care, or supervised living facility licensed under sections
 19.25 144.50 to 144.56;

19.26 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
 19.27 9520.0500 to 9520.0670, or under chapter 245D or 245G;

19.28 (5) services and residential settings licensed under chapter 245A, including adult foster
 19.29 care and services and settings governed under the standards in chapter 245D;

20.1 (6) a private home in which the residents are related by kinship, law, or affinity with the
20.2 provider of services;

20.3 (7) a duly organized condominium, cooperative, and common interest community, or
20.4 owners' association of the condominium, cooperative, and common interest community
20.5 where at least 80 percent of the units that comprise the condominium, cooperative, or
20.6 common interest community are occupied by individuals who are the owners, members, or
20.7 shareholders of the units;

20.8 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

20.9 (9) a setting offering services conducted by and for the adherents of any recognized
20.10 church or religious denomination for its members exclusively through spiritual means or
20.11 by prayer for healing;

20.12 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
20.13 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
20.14 units financed by the Minnesota Housing Finance Agency that are intended to serve
20.15 individuals with disabilities or individuals who are homeless, except for those developments
20.16 that market or hold themselves out as assisted living facilities and provide assisted living
20.17 services;

20.18 (11) rental housing developed under United States Code, title 42, section 1437, or United
20.19 States Code, title 12, section 1701q;

20.20 (12) rental housing designated for occupancy by only elderly or elderly and disabled
20.21 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
20.22 families under Code of Federal Regulations, title 24, section 983.56;

20.23 (13) rental housing funded under United States Code, title 42, chapter 89, or United
20.24 States Code, title 42, section 8011; ~~or~~

20.25 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

20.26 (15) any establishment that exclusively or primarily serves as a shelter or temporary
20.27 shelter for victims of domestic or any other form of violence.

20.28 **EFFECTIVE DATE.** This section is effective August 1, 2021.

20.29 Sec. 26. Minnesota Statutes 2020, section 144G.08, is amended by adding a subdivision
20.30 to read:

20.31 **Subd. 7a. Assisted living facility license.** "Assisted living facility license" means a
20.32 certificate issued by the commissioner under section 144G.10 that authorizes the licensee

21.1 to manage, control, and operate an assisted living facility for a specified period of time and
 21.2 in accordance with the terms of the license and the rules of the commissioner.

21.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

21.4 Sec. 27. Minnesota Statutes 2020, section 144G.08, subdivision 9, is amended to read:

21.5 Subd. 9. **Assisted living services.** "Assisted living services" includes one or more of
 21.6 the following:

21.7 (1) assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and
 21.8 bathing;

21.9 (2) providing standby assistance;

21.10 (3) providing verbal or visual reminders to the resident to take regularly scheduled
 21.11 medication, which includes bringing the resident previously set up medication, medication
 21.12 in original containers, or liquid or food to accompany the medication;

21.13 (4) providing verbal or visual reminders to the resident to perform regularly scheduled
 21.14 treatments and exercises;

21.15 (5) preparing ~~modified~~ specialized diets ordered by a licensed health professional;

21.16 (6) services of an advanced practice registered nurse, registered nurse, licensed practical
 21.17 nurse, physical therapist, respiratory therapist, occupational therapist, speech-language
 21.18 pathologist, dietitian or nutritionist, or social worker;

21.19 (7) tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed
 21.20 health professional within the person's scope of practice;

21.21 (8) medication management services;

21.22 (9) hands-on assistance with transfers and mobility;

21.23 (10) treatment and therapies;

21.24 (11) assisting residents with eating when the residents have complicated eating problems
 21.25 as identified in the resident record or through an assessment such as difficulty swallowing,
 21.26 recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous
 21.27 instruments to be fed;

21.28 (12) providing other complex or specialty health care services; and

21.29 (13) supportive services in addition to the provision of at least one of the services listed
 21.30 in clauses (1) to (12).

22.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.

22.2 Sec. 28. Minnesota Statutes 2020, section 144G.08, subdivision 23, is amended to read:

22.3 Subd. 23. **Direct ownership interest.** "Direct ownership interest" means an individual
 22.4 or ~~organization~~ legal entity with the possession of at least five percent equity in capital,
 22.5 stock, or profits of the licensee, or who is a member of a limited liability company of the
 22.6 licensee.

22.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

22.8 Sec. 29. Minnesota Statutes 2020, section 144G.09, subdivision 3, is amended to read:

22.9 Subd. 3. **Rulemaking authorized.** (a) The commissioner shall adopt rules for all assisted
 22.10 living facilities that promote person-centered planning and service delivery and optimal
 22.11 quality of life, and that ensure resident rights are protected, resident choice is allowed, and
 22.12 public health and safety is ensured.

22.13 (b) On July 1, 2019, the commissioner shall begin rulemaking.

22.14 (c) The commissioner shall adopt rules that include but are not limited to the following:

22.15 (1) staffing appropriate for each licensure category to best protect the health and safety
 22.16 of residents no matter their vulnerability, including staffing ratios;

22.17 (2) training prerequisites and ongoing training, including dementia care training and
 22.18 standards for demonstrating competency;

22.19 (3) procedures for discharge planning and ensuring resident appeal rights;

22.20 (4) initial assessments, continuing assessments, and a uniform assessment tool;

22.21 (5) emergency disaster and preparedness plans;

22.22 (6) uniform checklist disclosure of services;

22.23 (7) a definition of serious injury that results from maltreatment;

22.24 (8) conditions and fine amounts for planned closures;

22.25 (9) procedures and timelines for the commissioner regarding termination appeals between
 22.26 facilities and the Office of Administrative Hearings;

22.27 (10) establishing base fees and per-resident fees for each category of licensure;

22.28 (11) considering the establishment of a maximum amount for any one fee;

23.1 (12) procedures for relinquishing an assisted living facility with dementia care license
23.2 and fine amounts for noncompliance; and

23.3 (13) procedures to efficiently transfer existing housing with services registrants and
23.4 home care licensees to the new assisted living facility licensure structure.

23.5 (d) The commissioner shall publish the proposed rules by December 31, 2019, and shall
23.6 publish final rules by December 31, 2020.

23.7 (e) Notwithstanding section 14.125, the commissioner's authority to adopt rules authorized
23.8 in this subdivision does not expire at the end of the 18-month time limit that began on July
23.9 1, 2019.

23.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.11 Sec. 30. Minnesota Statutes 2020, section 144G.10, subdivision 1, is amended to read:

23.12 Subdivision 1. **License required.** (a) Beginning August 1, 2021, no assisted living
23.13 facility may operate in Minnesota unless it is licensed under this chapter.

23.14 The licensee is legally responsible for the management, control, and operation of the
23.15 facility, regardless of the existence of a management agreement or subcontract. Nothing in
23.16 this chapter shall in any way affect the rights and remedies available under other law. unless
23.17 licensed under this chapter, no individual, organization, or government entity may:

23.18 (1) manage, control, or operate an assisted living facility in Minnesota; or

23.19 (2) advertise, market, or otherwise promote its facility as providing assisted living
23.20 services or specialized care for individuals with Alzheimer's disease or other dementias.

23.21 (b) The licensee is legally responsible for the management, control, and operation of the
23.22 facility, regardless of the existence of a management agreement or subcontract. Nothing in
23.23 this chapter shall in any way affect the rights and remedies available under other law.

23.24 (c) Upon approving an application for an assisted living facility license, the commissioner
23.25 shall issue a single assisted living facility license for each facility located at a separate
23.26 address, except as provided in paragraph (d).

23.27 (d) Upon approving an application for an assisted living facility located on a campus
23.28 and at the request of the applicant, the commissioner may issue an assisted living facility
23.29 license for the campus at the address of the campus' main building. An assisted living facility
23.30 license for a campus shall identify the address and licensed resident capacity of each building
23.31 located on the campus in which assisted living services are provided.

24.1 (e) Before any building to be included on a campus advertises, markets, or promotes
 24.2 itself as providing specialized care for individuals with Alzheimer's disease or other dementias
 24.3 or a secured dementia care unit, the individual, organization, or government entity must
 24.4 apply for the assisted living with dementia care level of licensure for that campus license
 24.5 or apply for a separate assisted living facility with dementia care level of licensure. These
 24.6 services may not be provided at the building until the license is issued by the commissioner.

24.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

24.8 Sec. 31. Minnesota Statutes 2020, section 144G.10, is amended by adding a subdivision
 24.9 to read:

24.10 Subd. 1a. **Definitions.** (a) For the purposes of this section, the terms defined in this
 24.11 subdivision have the meanings given them.

24.12 (b) "Adjacent" means sharing a portion of a legal boundary.

24.13 (c) "Campus" means an assisted living facility that provides sleeping accommodations
 24.14 and assisted living services operated by the same licensee in:

24.15 (1) two or more buildings, each with a separate address, located on the same property
 24.16 identified by a single property identification number;

24.17 (2) a single building having two or more addresses, located on the same property,
 24.18 identified by a single property identification number; or

24.19 (3) two or more buildings at different addresses, identified by different property
 24.20 identification numbers, when the buildings are located on adjacent properties.

24.21 (d) "Campus' main building" means a building designated by the commissioner as the
 24.22 main building of a campus and to which the commissioner may issue an assisted living
 24.23 facility license for a campus.

24.24 **EFFECTIVE DATE.** This section is effective August 1, 2021.

24.25 Sec. 32. **[144G.191] ASSISTED LIVING FACILITY LICENSING**
 24.26 **IMPLEMENTATION; PROVISIONAL LICENSES; TRANSITION PERIOD FOR**
 24.27 **CURRENT PROVIDERS.**

24.28 Subdivision 1. **Provisional licenses.** (a) Beginning March 1, 2021, applications for
 24.29 provisional assisted living facility licenses under section 144G.16 may be submitted. No
 24.30 provisional assisted living facility licenses under this chapter shall be effective prior to
 24.31 August 1, 2021.

25.1 (b) Beginning June 1, 2021, no initial housing with services establishment registration
25.2 applications shall be accepted under chapter 144D.

25.3 (c) Beginning June 1, 2021, no temporary comprehensive home care provider license
25.4 applications shall be accepted for providers that do not intend to provide home care services
25.5 under sections 144A.43 to 144A.484 on or after August 1, 2021.

25.6 Subd. 2. **New construction; building permit.** (a) All prospective assisted living facility
25.7 license applicants seeking a license for new construction who have submitted a complete
25.8 building permit application to the appropriate building code jurisdiction on or before July
25.9 31, 2021, may meet construction requirements in effect when the application was submitted.

25.10 (b) All prospective assisted living facility license applicants seeking a license for new
25.11 construction who have submitted a complete building permit application to the appropriate
25.12 building code jurisdiction on or after August 1, 2021, must meet the construction
25.13 requirements under section 144G.45.

25.14 (c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building
25.15 code authority, a complete application for an electrical or plumbing permit is acceptable in
25.16 lieu of the building permit application.

25.17 (d) For the purposes of paragraph (a), in jurisdictions where building plan review
25.18 applications are separated from building permit applications, a complete application for
25.19 plan review is acceptable in lieu of the building permit application.

25.20 Subd. 3. **New construction; plan review.** Beginning March 1, 2021, prospective assisted
25.21 living facility license applicants under new construction may submit to the commissioner
25.22 plans and specifications described in section 144G.45, subdivision 6, for plan review of the
25.23 new construction requirements under section 144G.45.

25.24 Subd. 4. **Current comprehensive home care providers; provision of assisted living**
25.25 **services.** (a) Comprehensive home care providers that do not intend to provide home care
25.26 services under chapter 144A on or after August 1, 2021, shall be issued a prorated license
25.27 period upon renewal, effective for license renewals beginning on or after September 1,
25.28 2020. The prorated license period shall be effective from the provider's current comprehensive
25.29 home care license renewal date through July 31, 2021.

25.30 (b) Comprehensive home care providers with prorated license periods shall pay a prorated
25.31 fee based on the number of months the comprehensive home care license is in effect.

25.32 (c) A comprehensive home care provider using the prorated license period in paragraph
25.33 (a), or who otherwise does not intend to provide home care services under chapter 144A

26.1 on or after August 1, 2021, must notify the recipients of changes to their home care services
 26.2 in writing at least 60 days before the expiration of its license, or no later than May 31, 2021,
 26.3 whichever is earlier. The notice must:

26.4 (1) state that the provider will no longer be providing home care services under chapter
 26.5 144A;

26.6 (2) include the date when the provider will no longer be providing these services;

26.7 (3) include the name, e-mail address, and telephone number of the individual associated
 26.8 with the comprehensive home care provider that the recipient of home care services may
 26.9 contact to discuss the notice;

26.10 (4) include the contact information consisting of the telephone number, e-mail address,
 26.11 mailing address, and website for the Office of Ombudsman for Long-Term Care and the
 26.12 Office of Ombudsman for Mental Health and Developmental Disabilities; and

26.13 (5) for recipients of home care services who receive home and community-based waiver
 26.14 services under section 256B.49 and chapter 256S, this written notice must also be provided
 26.15 to the resident's case manager at the same time that it is provided to the resident.

26.16 A comprehensive home care provider that obtains an assisted living facility license but does
 26.17 so under a different business name as a result of reincorporation, and continues to provide
 26.18 services to the recipient, is not subject to the 60-day notice required under this paragraph.
 26.19 However, the provider must otherwise provide notice to the recipient as required under
 26.20 sections 144A.44, 144A.441, and 144A.442, as applicable, and section 144A.4791.

26.21 Subd. 5. **Current housing with services establishment registration to an assisted**
 26.22 **living facility license; conversion to licensure.** (a) Beginning January 1, 2021, all current
 26.23 housing with services establishments registered under chapter 144D and intending to provide
 26.24 assisted living services on or after August 1, 2021, must apply for an assisted living facility
 26.25 license under this chapter. The initial assisted living facility license issued will not be a
 26.26 provisional license as identified under subdivision 1. The applicant on the assisted living
 26.27 facility license application may, but need not, be the same as the current housing with
 26.28 services establishment registrant.

26.29 (b) Notwithstanding the housing with services contract requirements identified in section
 26.30 144D.04, any existing housing with services establishment registered under chapter 144D
 26.31 that does not intend to convert its registration to an assisted living facility license under this
 26.32 chapter must provide written notice to its residents at least 60 days before the expiration of
 26.33 its registration, or no later than May 31, 2021, whichever is earlier. The notice must:

27.1 (1) state that the housing with services establishment does not intend to convert to an
 27.2 assisted living facility;

27.3 (2) include the date when the housing with services establishment will no longer provide
 27.4 housing with services;

27.5 (3) include the name, e-mail address, and telephone number of the individual associated
 27.6 with the housing with services establishment that the recipient of home care services may
 27.7 contact to discuss the notice;

27.8 (4) include the contact information consisting of the telephone number, e-mail address,
 27.9 mailing address, and website for the state Office of Ombudsman for Long-Term Care and
 27.10 the Office of Ombudsman for Mental Health and Developmental Disabilities; and

27.11 (5) for residents who receive home and community-based waiver services under section
 27.12 256B.49 and chapter 256S, the written notice must also be provided to the resident's case
 27.13 manager at the same time that it is provided to the resident.

27.14 A housing with services provider that obtains an assisted living facility license, but does so
 27.15 under a different business name as a result of reincorporation, and continues to provide
 27.16 services to the recipient, is not subject to the 60-day notice required under this paragraph.
 27.17 However, the provider must otherwise provide notice to the recipient as required under
 27.18 sections 144D.04 and 144D.045, as applicable, and section 144D.09.

27.19 (c) By August 1, 2021, all registered housing with services establishments providing
 27.20 assisted living as defined in section 144G.01, subdivision 2, prior to August 1, 2021, must
 27.21 have an assisted living facility license under this chapter.

27.22 (d) Effective August 1, 2021, any housing with services establishment registered under
 27.23 chapter 144D that has not converted its registration to an assisted living facility license
 27.24 under this chapter is prohibited from providing assisted living services.

27.25 **Subd. 6. Conversion to assisted living licensure; renewal periods; prorated**
 27.26 **licenses.** (a) Applicants converting from a housing with services establishment registration
 27.27 under chapter 144D to an assisted living facility license under this chapter must be provided
 27.28 a new renewal date upon application for an assisted living facility license. The initial assisted
 27.29 living facility license issued will not be a provisional license as identified under subdivision
 27.30 1. The commissioner shall assign a new, randomly generated renewal date to evenly disperse
 27.31 assisted living facility license renewal dates throughout a calendar year.

28.1 (b) Applicants converting from a housing with services establishment registration to an
28.2 assisted living facility license that receive new license renewal dates occurring in November
28.3 or December must choose one of two options:

28.4 (1) receive one assisted living facility license upon conversion effective August 1, 2021,
28.5 and prorated for 15- or 16-month periods, respectively; or

28.6 (2) receive one assisted living facility license upon conversion, effective August 1, 2021,
28.7 prorated for three- or four-month periods, respectively.

28.8 (c) Applicants converting from a housing with services establishment registration to an
28.9 assisted living facility license that receive new license renewal dates occurring in January
28.10 through July shall receive one assisted living facility license upon conversion effective
28.11 August 1, 2021, and prorated for five- to 11-month periods, respectively.

28.12 (d) Applicants converting from a housing with services establishment registration to an
28.13 assisted living facility license that receive a new license renewal date occurring in August
28.14 shall receive one assisted living facility license upon conversation effective for a full
28.15 12-month period.

28.16 (e) An assisted living facility shall receive its first assisted living facility license renewal
28.17 application for a full 12-month effective period approximately 90 days prior to the expiration
28.18 of the facility's prorated license.

28.19 (f) Applicants with a current housing with services establishment registration who intend
28.20 to obtain more than one assisted living facility license under this chapter may request that
28.21 the commissioner allow all applicable renewal dates to occur on the same date or may
28.22 request all applicable renewal dates to occur at different points throughout a calendar year.

28.23 (g) All prorated licensing fee amounts for applicants converting from a housing with
28.24 services establishment to an assisted living facility license must be determined by calculating
28.25 the appropriate annual fee based on section 144.122, paragraph (d), and dividing the total
28.26 annual fee amount by the number of months the prorated license is effective.

28.27 **Subd. 7. Conversion to assisted living licensure; background studies.** (a) Any
28.28 individual listed on an application of a registered housing with services establishment
28.29 converting to an assisted living facility license who is not on the existing housing with
28.30 services registration and either has a direct ownership interest or is a managerial official is
28.31 subject to the background study requirements of section 144.057. No individual may be
28.32 involved in the management, operation, or control of an assisted living facility if the
28.33 individual has been disqualified under chapter 245C.

29.1 (b) The commissioner shall not issue a license if any controlling individual, including
 29.2 a managerial official, has been unsuccessful in having a background study disqualification
 29.3 set aside under section 144.057 and chapter 245C.

29.4 (c) If the individual requests reconsideration of a disqualification under section 144.057
 29.5 or chapter 245C and the commissioner sets aside or rescinds the disqualification, the
 29.6 individual is eligible to be involved in the management, operation, or control of the assisted
 29.7 living facility.

29.8 (d) If an individual has a disqualification under section 245C.15, subdivision 1, and the
 29.9 disqualification is affirmed, the individual's disqualification is barred from a set aside and
 29.10 the individual must not be involved in the management, operation, or control of the assisted
 29.11 living facility.

29.12 (e) Data collected under this subdivision shall be classified as private data on individuals
 29.13 under section 13.02, subdivision 12.

29.14 **Subd. 8. Changes of ownership; current housing with services establishment**
 29.15 **registrations.** (a) If an applicant converting from a housing with services establishment
 29.16 registration to an assisted living facility license anticipates a change of ownership transaction
 29.17 effective on or after August 1, 2021, the applicant must submit an assisted living facility
 29.18 change of ownership application with the assisted living facility license application and the
 29.19 assisted living licensure fees in section 144.122, paragraph (d).

29.20 (b) Applications for changes of ownership under paragraph (a) must be submitted to the
 29.21 commissioner at least 60 calendar days prior to the anticipated effective date of the sale or
 29.22 transaction.

29.23 **Subd. 9. Expiration.** This section expires August 1, 2022.

29.24 **EFFECTIVE DATE.** This section is effective the day following final enactment unless
 29.25 a different date is specified in a subdivision in this section.

29.26 Sec. 33. Minnesota Statutes 2020, section 144G.42, subdivision 9, is amended to read:

29.27 **Subd. 9. Tuberculosis prevention and control.** (a) The facility must establish and
 29.28 maintain a comprehensive tuberculosis infection control program according to the most
 29.29 current tuberculosis infection control guidelines issued by the United States Centers for
 29.30 Disease Control and Prevention (CDC), Division of Tuberculosis Elimination, as published
 29.31 in the CDC's Morbidity and Mortality Weekly Report (MMWR). The program must include
 29.32 a tuberculosis infection control plan that covers all paid and unpaid employees, contractors,

30.1 students, and regularly scheduled volunteers. The commissioner shall provide technical
30.2 assistance regarding implementation of the guidelines.

30.3 (b) The facility must maintain written evidence of compliance with this subdivision.

30.4 **EFFECTIVE DATE.** This section is effective August 1, 2021.

30.5 Sec. 34. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision
30.6 to read:

30.7 Subd. 9a. **Communicable diseases.** The facility must follow current state requirements
30.8 for prevention, control, and reporting of communicable diseases as defined in Minnesota
30.9 Rules, parts 4605.7040, 4605.7044, 4605.7050, 4605.7075, 4605.7080, and 4605.7090.

30.10 **EFFECTIVE DATE.** This section is effective August 1, 2021.

30.11 Sec. 35. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision
30.12 to read:

30.13 Subd. 9b. **Infection control program.** (a) The facility must establish and maintain an
30.14 effective infection control program that complies with accepted health care, medical, and
30.15 nursing standards for infection control, including during a disease pandemic.

30.16 (b) The facility must maintain written evidence of compliance with this subdivision.

30.17 **EFFECTIVE DATE.** This section is effective August 1, 2021.

30.18 Sec. 36. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision
30.19 to read:

30.20 Subd. 9c. **Severe acute respiratory syndrome-related coronavirus infection**
30.21 **control.** (a) A facility must establish and maintain a comprehensive severe acute respiratory
30.22 syndrome-related coronavirus infection control program that complies with accepted health
30.23 care, medical, and nursing standards for infection control according to the most current
30.24 SARS-CoV-2 infection control guidelines or their successor versions issued by the United
30.25 States Centers for Disease Control and Prevention, Centers for Medicare and Medicaid
30.26 Services, and the commissioner. This program must include a severe acute respiratory
30.27 syndrome-related coronavirus infection control plan that covers all paid and unpaid
30.28 employees, contractors, students, volunteers, residents, and visitors. The commissioner shall
30.29 provide technical assistance regarding implementation of the guidelines.

30.30 (b) The facility must maintain written evidence of compliance with this subdivision.

31.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.

31.2 Sec. 37. Minnesota Statutes 2020, section 144G.42, is amended by adding a subdivision
31.3 to read:

31.4 Subd. 9d. **Severe acute respiratory syndrome-related coronavirus response plan.** (a)

31.5 A facility must establish, implement, and maintain a severe acute respiratory
31.6 syndrome-related coronavirus response plan. The severe acute respiratory syndrome-related
31.7 coronavirus response plan must be consistent with the requirements of subdivision 9c and
31.8 at a minimum must address the following:

31.9 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
31.10 all paid and unpaid employees, contractors, students, volunteers, clients and visitors;

31.11 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
31.12 students, volunteers, clients, and visitors;

31.13 (3) separation or isolation of clients infected with SARS-CoV-2 or a similar severe acute
31.14 respiratory syndrome-related coronavirus from clients who are not;

31.15 (4) balancing the rights of residents with controlling the spread of SARS-CoV-2 or
31.16 similar severe acute respiratory syndrome-related coronavirus infections;

31.17 (5) client relocations, including steps to be taken to mitigate trauma for relocated clients
31.18 receiving memory care;

31.19 (6) clearly informing clients of the facility's policies regarding the effect of hospice
31.20 orders, provider orders for life-sustaining treatment, do not resuscitate orders, and do not
31.21 intubate orders on any treatment of COVID-19 disease or similar severe acute respiratory
31.22 syndromes;

31.23 (7) mitigating the effects of separation or isolation of residents, including virtual visitation,
31.24 outdoor visitation, and for residents who cannot go outdoors, indoor visitation;

31.25 (8) compassionate care visitation;

31.26 (9) consideration of any campus model, multiple buildings on the same property, or any
31.27 mix of independent senior living units in the same building as assisted living units;

31.28 (10) steps to be taken when a client is suspected of having a SARS-CoV-2 or similar
31.29 severe acute respiratory syndrome-related coronavirus infection;

31.30 (11) steps to be taken when a client tests positive for a SARS-CoV-2 or similar severe
31.31 acute respiratory syndrome-related coronavirus infection;

32.1 (12) protocols for emergency medical responses involving clients with SARS-CoV-2
 32.2 or similar severe acute respiratory syndrome-related coronavirus infections, including
 32.3 infection control procedures following the departure of ambulance service personnel or
 32.4 other first responders;

32.5 (13) notifying the commissioner when staffing levels are critically low; and

32.6 (14) taking into account dementia-related concerns.

32.7 (b) A facility must provide the commissioner with a copy of a severe acute respiratory
 32.8 syndrome-related coronavirus response plan meeting the requirements of this subdivision.

32.9 (c) A facility must make its severe acute respiratory syndrome-related coronavirus
 32.10 response plan available to staff, clients, and families of clients.

32.11 **EFFECTIVE DATE.** This section is effective August 1, 2021.

32.12 Sec. 38. Minnesota Statutes 2020, section 144G.45, subdivision 2, is amended to read:

32.13 **Subd. 2. Fire protection and physical environment.** (a) Each assisted living facility
 32.14 must ~~have a comprehensive fire protection system that includes~~ comply with the State Fire
 32.15 Code in Minnesota Rules, chapter 7511, and:

32.16 ~~(1) protection throughout by an approved supervised automatic sprinkler system according~~
 32.17 ~~to building code requirements established in Minnesota Rules, part 1305.0903, or smoke~~
 32.18 ~~detectors in each occupied room installed and maintained in accordance with the National~~
 32.19 ~~Fire Protection Association (NFPA) Standard 72~~ for dwellings or sleeping units, as defined
 32.20 in the Minnesota State Fire Code: (i) provide smoke alarms in each room used for sleeping
 32.21 purposes; (ii) provide smoke alarms outside of each separate sleeping area in the immediate
 32.22 vicinity of bedrooms; (iii) provide smoke alarms on each story within a dwelling unit,
 32.23 including basements, but not including crawl spaces and unoccupied attics; (iv) where more
 32.24 than one smoke alarm is required within an individual dwelling unit or sleeping unit,
 32.25 interconnect all smoke alarms so that actuation of one alarm causes all alarms in the
 32.26 individual dwelling unit or sleeping unit to operate; and (v) ensure the power supply for
 32.27 existing smoke alarms complies with the State Fire Code, except that newly introduced
 32.28 smoke alarms in existing buildings may be battery operated;

32.29 (2) install portable fire extinguishers ~~installed and~~ tested in accordance with the NFPA
 32.30 Standard 10; and

32.31 (3) keep the physical environment, including walls, floors, ceiling, all furnishings,
 32.32 grounds, systems, and equipment ~~that is kept~~ in a continuous state of good repair and

33.1 operation with regard to the health, safety, comfort, and well-being of the residents in
33.2 accordance with a maintenance and repair program.

33.3 (b) Fire drills in assisted living facilities shall be conducted in accordance with the
33.4 residential board and care requirements in the Life Safety Code, except that fire drills in
33.5 secured dementia care units shall be conducted in accordance with section 144G.81,
33.6 subdivision 2.

33.7 (c) Existing construction or elements, including assisted living facilities that were
33.8 registered as housing with services establishments under chapter 144D prior to August 1,
33.9 2021, shall be permitted to ~~be continued~~ continue in use provided such use does not constitute
33.10 a distinct hazard to life. Any existing elements that an authority having jurisdiction deems
33.11 a distinct hazard to life must be corrected. The facility must document in the facility's records
33.12 any actions taken to comply with a correction order, and must submit to the commissioner
33.13 for review and approval prior to correction.

33.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

33.15 Sec. 39. Minnesota Statutes 2020, section 144G.45, subdivision 5, is amended to read:

33.16 Subd. 5. **Assisted living facilities; Life Safety Code.** (a) All assisted living facilities
33.17 with six or more residents must meet the applicable provisions of the ~~most current~~ 2018
33.18 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care
33.19 Occupancies chapter. The minimum design standard shall be met for all new licenses, new
33.20 construction, modifications, renovations, alterations, changes of use, or additions.

33.21 (b) If the commissioner decides to update the Life Safety Code for purposes of this
33.22 subdivision, the commissioner must notify the chairs and ranking minority members of the
33.23 legislative committees and divisions with jurisdiction over health care and public safety of
33.24 the planned update by January 15 of the year in which the new Life Safety Code will become
33.25 effective. Following notice from the commissioner, the new edition shall become effective
33.26 for assisted living facilities beginning August 1 of that year, unless provided otherwise in
33.27 law. The commissioner shall, by publication in the State Register, specify a date by which
33.28 facilities must comply with the updated Life Safety Code. The date by which facilities must
33.29 comply shall not be sooner than six months after publication of the commissioner's notice
33.30 in the State Register.

33.31 **EFFECTIVE DATE.** This section is effective August 1, 2021.

34.1 Sec. 40. Minnesota Statutes 2020, section 144G.91, is amended by adding a subdivision
34.2 to read:

34.3 Subd. 5a. **Choice of provider.** Residents have the right to choose freely among available
34.4 providers and to change providers after services have begun, within the limits of health
34.5 insurance, long-term care insurance, medical assistance, other health programs, or public
34.6 programs.

34.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

34.8 Sec. 41. Minnesota Statutes 2020, section 144G.92, subdivision 5, is amended to read:

34.9 Subd. 5. **Other laws.** Nothing in this section affects the rights and remedies available
34.10 ~~to a resident~~ under section 626.557, subdivisions 10, 17, and 20.

34.11 **EFFECTIVE DATE.** This section is effective August 1, 2021.

34.12 Sec. 42. Minnesota Statutes 2020, section 144G.92, is amended by adding a subdivision
34.13 to read:

34.14 Subd. 6. **Cause of action.** A cause of action for violations of this section may be brought
34.15 and nothing in this section precludes a person from pursuing such an action. Any
34.16 determination of retaliation by the commissioner under subdivision 4 may be used as evidence
34.17 of retaliation in any cause of action under this subdivision.

34.18 **EFFECTIVE DATE.** This section is effective August 1, 2021.

34.19 Sec. 43. **[144G.925] PRIVATE ENFORCEMENT OF RIGHTS.**

34.20 (a) For a violation of section 144G.91, subdivision 6, 8, 12, or 21, a resident or resident's
34.21 designated representative may bring a civil action against an assisted living establishment
34.22 and recover actual damages or \$3,000, whichever is greater, plus costs, including costs of
34.23 investigation, and reasonable attorney fees, and receive other equitable relief as determined
34.24 by the court in addition to seeking any other remedy otherwise available under law.

34.25 (b) For a violation of section 144G.51, a resident is entitled to a permanent injunction,
34.26 and any other legal or equitable relief as determined by the court, including but not limited
34.27 to reformation of the contract and restitution for harm suffered, plus reasonable attorney
34.28 fees and costs.

34.29 **EFFECTIVE DATE.** This section is effective August 1, 2021.

35.1 Sec. 44. Laws 2019, chapter 60, article 1, section 46, is amended to read:

35.2 Sec. 46. **PRIORITIZATION OF ENFORCEMENT ACTIVITIES.**

35.3 Within available appropriations to the commissioner of health for enforcement activities
35.4 for fiscal years 2020 ~~and~~, 2021, and 2022, the commissioner of health shall prioritize
35.5 enforcement activities taken under Minnesota Statutes, section 144A.442.

35.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.7 Sec. 45. Laws 2019, chapter 60, article 5, section 2, is amended to read:

35.8 Sec. 2. **COMMISSIONER OF HEALTH.**

35.9 Subdivision 1. **General fund appropriation.** (a) \$9,656,000 in fiscal year 2020 and
35.10 \$9,416,000 in fiscal year 2021 are appropriated from the general fund to the commissioner
35.11 of health to implement regulatory activities relating to vulnerable adults and assisted living
35.12 licensure.

35.13 (b) Of the amount in paragraph (a), \$7,438,000 in fiscal year 2020 and \$4,302,000 in
35.14 fiscal year 2021 are for improvements to the current regulatory activities, systems, analysis,
35.15 reporting, and communications relating to regulation of vulnerable adults. The base for this
35.16 appropriation is \$5,800,000 in fiscal year 2022 and \$5,369,000 in fiscal year 2023.

35.17 (c) Of the amount in paragraph (a), \$2,218,000 in fiscal year 2020 and \$5,114,000 in
35.18 fiscal year 2021 are to establish assisted living licensure under Minnesota Statutes, ~~section~~
35.19 ~~144I.01~~ sections 144G.08 to 144G.9999. The fiscal year 2021 appropriation is available
35.20 until June 30, 2023. This is a onetime appropriation.

35.21 Subd. 2. **State government special revenue fund appropriation.** \$1,103,000 in fiscal
35.22 year 2020 and \$1,103,000 in fiscal year 2021 are appropriated from the state government
35.23 special revenue fund to improve the frequency of home care provider inspections and to
35.24 implement assisted living licensure activities under Minnesota Statutes, ~~section 144I.01~~
35.25 sections 144G.08 to 144G.9999. The base for this appropriation is \$8,131,000 in fiscal year
35.26 2022 and \$8,339,000 in fiscal year 2023.

35.27 Subd. 3. **Transfer.** The commissioner shall transfer fine revenue previously deposited
35.28 to the state government special revenue fund under Minnesota Statutes, section 144A.474,
35.29 subdivision 11, estimated to be \$632,000 to a dedicated special revenue account in the state
35.30 treasury established for the purposes of implementing the recommendations of the Home
35.31 Care Advisory Council under Minnesota Statutes, section 144A.4799.

36.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

36.2 Sec. 46. **SUSPENDING SERVICE TERMINATIONS, TRANSFERS, AND**
36.3 **DISCHARGES DURING THE COVID-19 PEACETIME EMERGENCY.**

36.4 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

36.5 (b) "Arranged home care provider" has the meaning given in Minnesota Statutes, section
36.6 144D.01, subdivision 2a.

36.7 (c) "Client" has the meaning given in Minnesota Statutes, section 144G.01, subdivision
36.8 3.

36.9 (d) "Facility" means:

36.10 (1) a housing with services establishment registered under Minnesota Statutes, section
36.11 144D.02, and operating under title protection under Minnesota Statutes, sections 144G.01
36.12 to 144G.07; or

36.13 (2) a housing with services establishment registered under Minnesota Statutes, section
36.14 144D.02, and required to disclose special care status under Minnesota Statutes, section
36.15 325F.72.

36.16 (e) "Home care provider" has the meaning given in Minnesota Statutes, section 144A.43,
36.17 subdivision 4.

36.18 (f) "Service plan" has the meaning given in Minnesota Statutes, section 144A.43,
36.19 subdivision 27.

36.20 (g) "Services" means services provided to a client by a home care provider according
36.21 to a service plan.

36.22 Subd. 2. **Suspension of home care service terminations.** For the duration of the
36.23 peacetime emergency declared in Executive Order 20-01 or until Executive Order 20-01 is
36.24 rescinded, an arranged home care provider providing home care services to a client residing
36.25 in a facility must not terminate its client's services or service plan, unless one of the conditions
36.26 specified in Minnesota Statutes, section 144G.52, subdivision 5, paragraph (b), clauses (1)
36.27 to (3), are met. Nothing in this subdivision prohibits the transfer of a client under section
36.28 47.

36.29 Subd. 3. **Suspension of discharges and transfers.** For the duration of the peacetime
36.30 emergency declared in Executive Order 20-01 or until Executive Order 20-01 is rescinded,
36.31 nursing homes, boarding care homes, and long-term acute care hospitals must not discharge
36.32 or transfer residents except for transfers in accordance with guidance issued by the Centers

37.1 for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, and
 37.2 the Minnesota Department of Health for the purposes of controlling SARS-CoV-2 infections,
 37.3 or unless the failure to discharge or transfer the resident would endanger the health or safety
 37.4 of the resident or other individuals in the facility.

37.5 Subd. 4. **Pending discharge and transfer appeals.** For the duration of the peacetime
 37.6 emergency declared in Executive Order 20-01 or until Executive Order 20-01 is rescinded,
 37.7 final decisions on appeals of transfers and appeals under section 52, subdivisions 5 to 11,
 37.8 and Minnesota Statutes, section 144A.135, are stayed.

37.9 Subd. 5. **Penalties.** A person who willfully violates subdivisions 2 and 3 of this section
 37.10 is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed
 37.11 \$1,000, or by imprisonment for not more than 90 days.

37.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.13 Sec. 47. **TRANSFERS FOR COHORTING PURPOSES DURING THE COVID-19**
 37.14 **PEACETIME EMERGENCY.**

37.15 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

37.16 (b) "Dedicated COVID-19 care site" means:

37.17 (1) a dedicated facility for the care of individuals who have SARS-CoV-2 or similar
 37.18 infections; and

37.19 (2) dedicated locations in a facility for the care of individuals who have SARS-CoV-2
 37.20 or similar infections.

37.21 (c) "Facility" means:

37.22 (1) a housing with services establishment registered under Minnesota Statutes, section
 37.23 144D.02, and operating under title protection under Minnesota Statutes, sections 144G.01
 37.24 to 144G.07;

37.25 (2) a housing with services establishment registered under Minnesota Statutes, section
 37.26 144D.02, and required to disclose special care status under Minnesota Statutes, section
 37.27 325F.72;

37.28 (3) a nursing home licensed under Minnesota Statutes, chapter 144A; or

37.29 (4) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.58.

37.30 Facility does not mean a hospital.

37.31 (d) "Resident" means:

38.1 (1) a person residing in a nursing home;

38.2 (2) a person residing in a boarding care home;

38.3 (3) a housing with services resident who receives assisted living that is subject to the
38.4 requirements of Minnesota Statutes, sections 144G.01 to 144G.07; or

38.5 (4) a resident of a housing with services establishment required to disclose special care
38.6 status under Minnesota Statutes, section 325F.72.

38.7 Subd. 2. **Prohibited transfers and discharges.** A hospital may not discharge or transfer
38.8 any patient who previously tested positive for SARS-CoV-2, regardless of the patient's
38.9 symptoms, to a facility other than a dedicated COVID-19 care site, unless the hospital
38.10 documents a test confirming the patient does not have a SARS-CoV-2 infection.

38.11 Subd. 3. **Transfers for cohorting purposes.** (a) A facility may transfer a resident to
38.12 another facility or location in a facility for the following cohorting purposes:

38.13 (1) transferring residents with symptoms of a respiratory infection or confirmed diagnosis
38.14 of COVID-19 to a dedicated COVID-19 care site; or

38.15 (2) transferring residents without symptoms of a respiratory infection or confirmed
38.16 diagnosis of COVID-19 or related infection to another facility or location in a facility
38.17 dedicated to caring for such residents and preventing them from acquiring COVID-19 for
38.18 the purposes of creating a dedicated COVID-19 care site.

38.19 The transferring facility must receive confirmation that the receiving facility agrees to accept
38.20 the resident to be transferred. Confirmation may be in writing or oral. If verbal, the
38.21 transferring facility must document who from the receiving facility communicated agreement
38.22 and the date and time this person communicated agreement.

38.23 (b) A spouse who resides with a transferred resident may elect to accompany the
38.24 transferred resident to the receiving facility to continue to reside with the resident transferred
38.25 for cohorting purposes. The transferring facility must disclose to the spouse of the transferred
38.26 resident the known risks to the spouse of accompanying the resident to the receiving facility.

38.27 Subd. 4. **Required cohorting practices.** (a) A facility must cohort residents with positive
38.28 tests for SARS-CoV-2, regardless of symptoms, in a dedicated COVID-19 care site until
38.29 such time as a resident has a confirmed negative test for SARS-CoV-2. A resident with a
38.30 confirmed negative test for SARS-CoV-2 may return to the facility or room from which the
38.31 resident was transferred, provided the facility or room is not a dedicated COVID-19 care
38.32 site.

39.1 (b) A facility that establishes a dedicated COVID-19 care site must dedicate staff,
 39.2 supplies, and equipment exclusively to either the dedicated COVID-19 care site or to the
 39.3 part of the facility that is not a dedicated COVID-19 care site. A facility must not permit
 39.4 staff, supplies, or equipment to move between a dedicated COVID-19 care site and a building
 39.5 or part of a facility that is not a dedicated COVID-19 care site.

39.6 (c) A facility must not permit a resident with a positive test for SARS-CoV-2 to share
 39.7 a room or living unit with a resident who is not SARS-CoV-2 positive, unless the residents
 39.8 are spouses or otherwise provide informed consent.

39.9 Subd. 5. **Notice required.** A transferring facility shall provide the transferred resident
 39.10 and the legal or designated representatives of the transferred resident, if any, with a written
 39.11 notice of transfer that includes the following information:

39.12 (1) the effective date of transfer;

39.13 (2) the reason permissible under subdivision 3 for the transfer;

39.14 (3) the name and contact information of a representative of the transferring facility with
 39.15 whom the resident may discuss the transfer;

39.16 (4) the name and contact information of a representative of the receiving facility with
 39.17 whom the resident may discuss the transfer;

39.18 (5) a statement that the transferring facility will participate in a coordinated move and
 39.19 transfer of the care of the resident to the receiving facility, as required under section 52,
 39.20 subdivision 16, and under Minnesota Statutes, section 144A.44, subdivision 1, clause (18);

39.21 (6) a statement that a transfer for cohorting purposes does not constitute a termination
 39.22 of a lease, services, or a service plan; and

39.23 (7) a statement that a resident has a right to return to the transferring facility as provided
 39.24 under subdivision 11.

39.25 Subd. 6. **Waived transfer requirements for cohorting purposes.** The following
 39.26 requirements related to rights of residents, as defined in subdivision 1, paragraph (d), clauses
 39.27 (3) and (4), are waived, or modified as indicated, only for purposes related to transfers to
 39.28 another facility under subdivision 3:

39.29 (1) the right to take an active part in developing, modifying, and evaluating the plan and
 39.30 services under Minnesota Statutes, section 144A.44, clause (2);

39.31 (2) rights under Minnesota Statutes, section 144A.44, clause (3);

39.32 (3) rights under Minnesota Statutes, section 144A.44, clause (4);

40.1 (4) rights under Minnesota Statutes, section 144A.44, clause (9);

40.2 (5) rights under Minnesota Statutes, section 144A.44, clause (15);

40.3 (6) timelines for completing assessments under Minnesota Statutes, section 144A.4791,
40.4 subdivision 8. A receiving facility must complete client assessments following a transfer
40.5 for cohorting purposes as soon as practicable; and

40.6 (7) timelines for completing service plans under Minnesota Statutes, section 144A.4791,
40.7 subdivision 9. A receiving facility must complete client service plans following a transfer
40.8 for cohorting purposes as soon as practicable and must review and use the care plan for a
40.9 transferred client provided by the transferring facility, adjusting it as necessary to protect
40.10 the health and safety of the client.

40.11 Subd. 7. **Mandatory transfer of medical assistance clients for cohorting purposes.** (a)
40.12 The commissioner of health has the authority to transfer medical assistance residents to
40.13 another facility for the purposes under subdivision 3.

40.14 (b) The commissioner of human services may not deny reimbursement to a facility
40.15 receiving a resident under this section for a private room or private living unit.

40.16 Subd. 8. **Coordinated transfer required.** Nothing in this section shall be considered
40.17 inconsistent with a resident's right to a coordinated move and transfer of care as required
40.18 under section 52, subdivision 16.

40.19 Subd. 9. **Transfers not considered terminations.** Nothing in this section shall be
40.20 considered inconsistent with a resident's rights under sections 46 and 52. A transfer under
40.21 this section is not a termination of a lease, services, or a service plan under section 46 or
40.22 52.

40.23 Subd. 10. **No right of appeal.** A resident may not appeal a transfer under subdivision
40.24 3.

40.25 Subd. 11. **Right to return.** If a resident is absent from a facility as a result of a transfer
40.26 under subdivision 3, the facility must allow a resident to return to the transferring facility,
40.27 provided the resident is determined not to be infectious according to current medical
40.28 standards.

40.29 Subd. 12. **Appropriate transfers.** The commissioner of health shall monitor all transfers
40.30 made under this section. The commissioner may audit transfers made under this section for
40.31 compliance with the requirements of this section and may take enforcement actions for
40.32 violations, including issuing fines. A violation of this section as applied to a resident is at
40.33 least a level 2 violation as defined in Minnesota Statutes, section 144A.474.

41.1 Subd. 13. **Expiration.** Subdivisions 1 to 9 expire 60 days after the peacetime emergency
41.2 declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an
41.3 outbreak of COVID-19, is terminated or rescinded by proper authority.

41.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

41.5 Sec. 48. **LONG-TERM CARE SEVERE ACUTE RESPIRATORY**
41.6 **SYNDROME-RELATED CORONAVIRUS TASK FORCE.**

41.7 Subdivision 1. **Membership.** (a) A Long-Term Care Severe Acute Respiratory
41.8 Syndrome-Related Coronavirus Task Force consists of the following members:

41.9 (1) two senators, including one senator appointed by the senate majority leader and one
41.10 senator appointed by the senate minority leader, who shall each be ex officio nonvoting
41.11 members;

41.12 (2) two members of the house of representatives, including one member appointed by
41.13 the speaker of the house and one member appointed by the minority leader of the house of
41.14 representatives, who shall each be ex officio nonvoting members;

41.15 (3) four family members of an assisted living client or of a nursing home resident,
41.16 appointed by the governor;

41.17 (4) four assisted living clients or nursing home residents, appointed by the governor;

41.18 (5) one medical doctor board-certified in infectious disease, appointed by the Minnesota
41.19 Medical Association;

41.20 (6) two medical doctors board-certified in geriatric medicine, appointed by the Minnesota
41.21 Network of Hospice and Palliative Care;

41.22 (7) one registered nurse or advanced practice registered nurse who provides care in a
41.23 nursing home or assisted living services, appointed by the Minnesota Chapter of the American
41.24 Assisted Living Nurses Association;

41.25 (8) two licensed practical nurses who provide care in a nursing home or assisted living
41.26 services, appointed by the Minnesota Chapter of the American Assisted Living Nurses
41.27 Association;

41.28 (9) one certified home health aide providing assisted living services or one certified
41.29 nursing assistant providing care in a nursing home, appointed by the Minnesota Home Care
41.30 Association;

42.1 (10) one personal care assistant who provides care in a nursing home or a facility in
42.2 which assisted living services are provided;

42.3 (11) one medical director of a licensed nursing home, appointed by the Minnesota
42.4 Association of Geriatrics Inspired Clinicians;

42.5 (12) one medical director of a licensed hospice provider, appointed by the Minnesota
42.6 Association of Geriatrics Inspired Clinicians;

42.7 (13) one licensed nursing home administrator, appointed by the Minnesota Board of
42.8 Executives for Long Term Services and Supports;

42.9 (14) one licensed assisted living director, appointed by the Minnesota Board of Executives
42.10 for Long Term Services and Support;

42.11 (15) two representatives of organizations representing long-term care providers, one
42.12 appointed by LeadingAge Minnesota and one appointed by Care Providers of Minnesota;

42.13 (16) one representative of a corporate owner of a licensed nursing home or of a housing
42.14 with services establishment operating under Minnesota Statutes, chapter 144G, assisted
42.15 living title protection, appointed by the Minnesota HomeCare Association;

42.16 (17) two representatives of an organization representing clients or families of clients
42.17 receiving assisted living services or residents or families of residents of nursing homes, one
42.18 appointed by Elder Voices Family Advocates and one appointed by AARP Minnesota;

42.19 (18) one representative of an organization representing clients and residents living with
42.20 dementia, appointed by the Minnesota-North Dakota Chapter of the Alzheimer's Association;

42.21 (19) one representative of an organization representing people experiencing maltreatment,
42.22 appointed by the Minnesota Elder Justice Center;

42.23 (20) one attorney specializing in housing law, appointed by Mid-Minnesota Legal Aid,
42.24 Southern Minnesota Regional Legal Services;

42.25 (21) one attorney specializing in elder law or disability benefits law, appointed by the
42.26 Governing Council of the Elder Law Section of the Minnesota State Bar Association;

42.27 (22) one chaplain in a long-term care setting, appointed by the Association of Professional
42.28 Chaplains (Minnesota);

42.29 (23) the commissioner of human services or a designee, who shall be an ex officio
42.30 nonvoting member;

43.1 (24) the commissioner of health or a designee, who shall be an ex officio nonvoting
 43.2 member; and

43.3 (25) the ombudsman for long-term care or designee, who shall be an ex officio nonvoting
 43.4 member.

43.5 (b) Appointing authorities must make initial appointments to the Long-Term Care Severe
 43.6 Acute Respiratory Syndrome-Related Coronavirus Task Force by December 1, 2020.

43.7 Subd. 2. Duties. The Long-Term Care Severe Acute Respiratory Syndrome-Related
 43.8 Coronavirus Task Force is established to study various methods of balancing the rights of
 43.9 assisted living clients and nursing home residents with the risk of outbreaks of SARS-CoV-2
 43.10 or similar severe acute respiratory syndrome-related coronavirus infections and COVID-19
 43.11 disease or similar severe acute respiratory syndromes, and to advise the commissioners of
 43.12 health and human services on the use of their temporary emergency authorities with respect
 43.13 to providing long-term care during a peacetime emergency related to a severe acute
 43.14 respiratory syndrome-related coronavirus or severe acute respiratory syndromes. Goals of
 43.15 the task force are to minimize the number of deaths in long-term care facilities resulting
 43.16 from COVID-19 disease or similar severe acute respiratory syndromes and to alleviate
 43.17 isolation. At a minimum, the task force must study:

43.18 (1) how to minimize isolating assisted living clients and nursing home residents who
 43.19 are neither suspected or confirmed to have active SARS-CoV-2 or similar severe acute
 43.20 respiratory syndrome-related coronavirus infections;

43.21 (2) how to separate assisted living clients and nursing home residents who are suspected
 43.22 or confirmed to have active SARS-CoV-2 or similar severe acute respiratory
 43.23 syndrome-related coronavirus infections from those clients and residents who are neither
 43.24 suspected or confirmed to have active SARS-CoV-2 or similar severe acute respiratory
 43.25 syndrome-related coronavirus infections;

43.26 (3) how to create facilities dedicated to caring for assisted living clients and nursing
 43.27 home residents with symptoms of a respiratory infection or confirmed diagnosis of
 43.28 COVID-19 disease or similar severe acute respiratory syndromes;

43.29 (4) how to create facilities dedicated to caring for assisted living clients and nursing
 43.30 home residents without symptoms of a respiratory infection or confirmed not to have
 43.31 COVID-19 disease or similar severe acute respiratory syndromes to prevent them from
 43.32 acquiring COVID-19 disease or similar severe acute respiratory syndromes;

44.1 (5) how to create facilities dedicated to caring for, isolating, and observing for up to 14
44.2 days assisted living clients and nursing home residents with known exposure to SARS-CoV-2
44.3 or a similar severe acute respiratory syndrome-related coronavirus; and

44.4 (6) best practices related to executing hospice orders, provider orders for life-sustaining
44.5 treatment, do not resuscitate orders, and do not intubate orders when treating an assisted
44.6 living or nursing home resident for COVID-19 disease or similar severe acute respiratory
44.7 syndromes.

44.8 Subd. 3. **Advisory opinions.** The task force may issue advisory opinions to the
44.9 commissioners of health and human services regarding the commissioners' use of temporary
44.10 emergency authorities granted under emergency executive orders and in law, as well as
44.11 under any existing nonemergency authorities. The task force shall elect by majority vote
44.12 an author of each advisory opinion. The task force shall forward any advisory opinions it
44.13 issues to the chairs and ranking minority members of the legislative committees with
44.14 jurisdiction over health and human services policy and finance.

44.15 Subd. 4. **Report.** By January 15, 2022, the task force must report to the chairs and
44.16 ranking minority members of the legislative committees with jurisdiction over health policy
44.17 and finance. The report must:

44.18 (1) summarize the activities of the task force; and

44.19 (2) make recommendations for legislative action.

44.20 Subd. 5. **First meeting; chair.** The commissioner of health or a designee must convene
44.21 the first meeting of the Long-Term Care Severe Acute Respiratory Syndrome-Related
44.22 Coronavirus Task Force by August 1, 2021. At the first meeting, the task force shall elect
44.23 a chair by a majority vote of those members present. The chair has authority to convene
44.24 additional meetings as needed.

44.25 Subd. 6. **Meetings.** The meetings of the task force are subject to Minnesota Statutes,
44.26 chapter 13D.

44.27 Subd. 7. **Administration.** The commissioner of health shall provide administrative
44.28 services for the task force.

44.29 Subd. 8. **Compensation.** Public members are compensated as provided in Minnesota
44.30 Statutes, section 15.059, subdivision 4.

44.31 Subd. 9. **Expiration.** This section expires one year after the implementation of assisted
44.32 living licensure under Minnesota Statutes, chapter 144G.

45.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.2 Sec. 49. **DIRECTION TO THE COMMISSIONER OF HEALTH; ELECTRONIC**
 45.3 **MONITORING CONSENT FORM.**

45.4 The commissioner of health shall modify the Resident Representative Consent Form
 45.5 and the Roommate Representative Consent Form related to electronic monitoring under
 45.6 Minnesota Statutes, section 144.6502, by removing the instructions requiring a resident
 45.7 representative to obtain a written determination by the medical professional of the resident
 45.8 that the resident currently lacks the ability to understand and appreciate the nature and
 45.9 consequences of electronic monitoring. The commissioner shall not require a resident
 45.10 representative to submit a written determination with the consent forms.

45.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.12 Sec. 50. **DIRECTION TO THE COMMISSIONER OF HEALTH; CONTROLLING**
 45.13 **SEVERE ACUTE RESPIRATORY SYNDROME-RELATED CORONAVIRUS IN**
 45.14 **LONG-TERM CARE SETTINGS.**

45.15 Subdivision 1. **State plan for combating severe acute respiratory syndrome-related**
 45.16 **coronavirus.** (a) The commissioner of health shall create a state plan for combating the
 45.17 spread of SARS-CoV-2 or similar severe acute respiratory syndrome-related coronavirus
 45.18 infections and COVID-19 disease or similar severe acute respiratory syndromes among
 45.19 residents of long-term care settings. For the purposes of this section, "long-term care setting"
 45.20 or "setting" means: (1) a housing with services establishment registered under Minnesota
 45.21 Statutes, section 144D.02, and operating under title protection under Minnesota Statutes,
 45.22 sections 144G.01 to 144G.07; (2) a housing with services establishment registered under
 45.23 Minnesota Statutes, section 144D.02, and required to disclose special care status under
 45.24 Minnesota Statutes, section 325F.72; (3) a nursing home licensed under Minnesota Statutes,
 45.25 chapter 144A; (4) a boarding care home licensed under Minnesota Statutes, sections 144.50
 45.26 to 144.58; or (5) independent senior living. For the purposes of this section, "resident" means
 45.27 any individual residing in a long-term care setting. The commissioner must consult with
 45.28 the Long-Term Care Severe Acute Respiratory Syndrome-Related Coronavirus Task Force
 45.29 regarding the creation of and modifications or amendments to the state plan.

45.30 (b) In the plan, the commissioner of health must provide long-term care settings with
 45.31 guidance on alleviating isolation of residents who are not suspected or known to have an
 45.32 active SARS-CoV-2 or similar severe acute respiratory syndrome-related coronavirus
 45.33 infection or COVID-19 disease or similar severe acute respiratory syndromes, including

46.1 recommendations on how to safely ease restrictions on visitors entering the setting and on
46.2 free movement of clients and residents within the setting and the community.

46.3 (c) In the state plan, the commissioner must at a minimum address the following:

46.4 (1) baseline and serial severe acute respiratory syndrome-related coronavirus testing of
46.5 all paid and unpaid employees, contractors, students, volunteers, residents, and visitors;

46.6 (2) use of personal protective equipment by all paid and unpaid employees, contractors,
46.7 students, volunteers, residents, and visitors;

46.8 (3) separation or isolation of residents infected with SARS-CoV-2 or a similar severe
46.9 acute respiratory syndrome-related coronavirus from residents who are not;

46.10 (4) balancing the rights of residents with controlling the spread of SARS-CoV-2 or
46.11 similar severe acute respiratory syndrome-related coronavirus infections;

46.12 (5) resident relocations, including steps to be taken to mitigate trauma for relocated
46.13 residents receiving memory care;

46.14 (6) clearly informing residents of the setting's policies regarding the effect of hospice
46.15 orders, provider orders for life-sustaining treatment, do not resuscitate orders, and do not
46.16 intubate orders on any treatment of COVID-19 disease or similar severe acute respiratory
46.17 syndromes;

46.18 (7) mitigating the effects of separation or isolation of residents, including virtual visitation,
46.19 outdoor visitation, and for residents who cannot go outdoors, indoor visitation;

46.20 (8) compassionate care visitation;

46.21 (9) consideration of any campus model, multiple buildings on the same property, or any
46.22 mix of independent senior living units in the same building as assisted living units;

46.23 (10) steps to be taken when a resident is suspected of having a SARS-CoV-2 or similar
46.24 severe acute respiratory syndrome-related coronavirus infection;

46.25 (11) steps to be taken when a resident tests positive for a SARS-CoV-2 or similar severe
46.26 acute respiratory syndrome-related coronavirus infection;

46.27 (12) protocols for emergency medical responses involving residents with SARS-CoV-2
46.28 or similar severe acute respiratory syndrome-related coronavirus infections, including
46.29 infection control procedures following the departure of ambulance service personnel or
46.30 other first responders;

46.31 (13) notifying the commissioner when staffing levels are critically low; and

47.1 (14) taking into account dementia-related concerns.

47.2 Subd. 2. **Enforcement of disease prevention and infection control requirements**
 47.3 during the pandemic. The commissioner of health shall develop protocols to ensure during
 47.4 the pandemic safe and timely surveys of licensed providers and facilities providing service
 47.5 in a long-term care setting for compliance with all applicable disease prevention and infection
 47.6 control requirements.

47.7 Subd. 3. **Maltreatment investigations during the pandemic.** The commissioner of
 47.8 health shall develop protocols to ensure during the pandemic that there are safe and timely
 47.9 investigations of maltreatment complaints involving residents.

47.10 Subd. 4. **Personal protective equipment.** The commissioner shall develop policies and
 47.11 procedures to ensure that long-term care settings are given priority access to personal
 47.12 protective equipment similar to the priority granted to hospitals.

47.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.14 Sec. 51. **LONG-TERM CARE COVID-19-RELATED TESTING PROGRAMS.**

47.15 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

47.16 (b) "Allowable costs" means costs associated with COVID-19-related testing services
 47.17 incurred by a facility while implementing a COVID-19 testing program, provided the testing
 47.18 products used have received Emergency Use Authorization under section 564 of the federal
 47.19 Food, Drug, and Cosmetic Act.

47.20 (c) "COVID-19-related testing services" means any diagnostic product available for the
 47.21 detection of SARS-CoV-2 or the diagnosis of COVID-19; any product available to determine
 47.22 whether a person has developed a detectable antibody response to SARS-CoV-2 or had
 47.23 COVID-19 in the past; specimen collection; specimen transportation; specimen testing; and
 47.24 any associated services from a health care professional, clinic, or laboratory.

47.25 (d) "Facility" means a nursing home licensed under Minnesota Statutes, section 144A.02;
 47.26 a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.58; a
 47.27 housing with services establishment registered under Minnesota Statutes, section 144D.02,
 47.28 and operating under title protection under Minnesota Statutes, section 144G.02; a housing
 47.29 with services establishment registered under Minnesota Statutes, section 144D.02, and
 47.30 required to disclose special care status under Minnesota Statutes, section 325F.72; and
 47.31 independent senior living settings.

48.1 (e) "Public health care program" means medical assistance under Minnesota Statutes,
48.2 chapter 256B, and Laws 2020, chapter 74, article 1, section 12; MinnesotaCare; Medicare;
48.3 and medical assistance for uninsured individuals under Laws 2020, chapter 74, article 1,
48.4 section 11.

48.5 (f) "Serial COVID-19 testing" means repeat testing for SARS-CoV-2 infections no more
48.6 than three days after baseline testing and periodically thereafter.

48.7 Subd. 2. **Testing program required.** (a) Each facility shall establish, implement, and
48.8 maintain a comprehensive COVID-19 infection control program according to the most
48.9 current SARS-CoV-2 testing guidance for nursing homes released by the United States
48.10 Centers for Disease Control and Prevention (CDC). A comprehensive COVID-19 infection
48.11 control program must include a COVID-19 testing program that requires baseline and serial
48.12 COVID-19 testing of all residents, staff, visitors, and others entering the facility. All staff
48.13 considered health care workers under the facility's tuberculosis screening program must be
48.14 included in the facility's COVID-19 testing program. The commissioner of health shall
48.15 provide technical assistance regarding implementation of the CDC guidance.

48.16 (b) The commissioner may impose a fine not to exceed \$1,000 on a facility that does
48.17 not implement and maintain a testing program as required under this section. A facility may
48.18 appeal an imposed fine under the contested case procedure in Minnesota Statutes, section
48.19 144A.475, subdivisions 3a, 4, and 7. Fines collected under this section shall be deposited
48.20 in the state treasury and credited to the state government special revenue fund. Continued
48.21 noncompliance with the requirements of this section may result in revocation or nonrenewal
48.22 of facilities' license or registration. The commissioner shall make public the list of all
48.23 facilities that are not in compliance with this section.

48.24 Subd. 3. **Baseline testing grants.** Within the limits of money specifically appropriated
48.25 to the commissioner of human services under section 53, paragraph (a), the commissioner
48.26 of human services shall make COVID-19 baseline testing grants to any facility that has not
48.27 completed COVID-19 baseline testing. The commissioner shall determine the amount of
48.28 each baseline screening grant, and shall award a grant only if funds are not otherwise
48.29 available.

48.30 Subd. 4. **Serial screening reimbursement.** (a) Within the limits of money specifically
48.31 appropriated to the commissioner of human services under section 53, paragraph (b), the
48.32 commissioner of human services shall reimburse each facility for the allowable costs of
48.33 eligible COVID-19-related testing services that a facility cannot otherwise afford upon
48.34 submission by a facility of a COVID-19-related testing services cost report.

49.1 (b) The commissioner of human services shall develop a COVID-19-related testing
 49.2 services cost report.

49.3 (c) A facility may submit a COVID-19-related testing services cost report once per
 49.4 month. If the commissioner of human services determines that a facility is in financial crisis,
 49.5 the facility may submit a cost report once every two weeks.

49.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.7 **Sec. 52. CONSUMER PROTECTIONS FOR ASSISTED LIVING CLIENTS.**

49.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

49.9 (b) "Appropriate service provider" means an arranged home care provider that can
 49.10 adequately provide to a client the services agreed to in the service agreement.

49.11 (c) "Arranged home care provider" has the meaning given in Minnesota Statutes, section
 49.12 144D.01, subdivision 2a.

49.13 (d) "Client" has the meaning given in Minnesota Statutes, section 144G.01, subdivision
 49.14 3.

49.15 (e) "Client representative" means one of the following in the order of priority listed, to
 49.16 the extent the person may reasonably be identified and located:

49.17 (1) a court-appointed guardian acting in accordance with the powers granted to the
 49.18 guardian under Minnesota Statutes, chapter 524;

49.19 (2) a conservator acting in accordance with the powers granted to the conservator under
 49.20 Minnesota Statutes, chapter 524;

49.21 (3) a health care agent acting in accordance with the powers granted to the health care
 49.22 agent under Minnesota Statutes, chapter 145C;

49.23 (4) an attorney-in-fact acting in accordance with the powers granted to the attorney-in-fact
 49.24 by a written power of attorney under Minnesota Statutes, chapter 523; or

49.25 (5) a person who:

49.26 (i) is not an agent of a facility or an agent of a home care provider; and

49.27 (ii) is designated by the client orally or in writing to act on the client's behalf.

49.28 (f) "Facility" means:

50.1 (1) a housing with services establishment registered under Minnesota Statutes, section
50.2 144D.02, and operating under title protection under Minnesota Statutes, sections 144G.01
50.3 to 144G.07; or

50.4 (2) a housing with services establishment registered under Minnesota Statutes, section
50.5 144D.02, and required to disclose special care status under Minnesota Statutes, section
50.6 325F.72.

50.7 (g) "Home care provider" has the meaning given in Minnesota Statutes, section 144A.43,
50.8 subdivision 4.

50.9 (h) "Safe location" means a location that does not place a client's health or safety at risk.
50.10 A safe location is not a private home where the occupant is unwilling or unable to care for
50.11 the client, a homeless shelter, a hotel, or a motel.

50.12 (i) "Service plan" has the meaning given in Minnesota Statutes, section 144A.43,
50.13 subdivision 27.

50.14 (j) "Services" means services provided to a client by a home care provider according to
50.15 a service plan.

50.16 Subd. 2. Prerequisite to termination; meeting. (a) A facility and the arranged home
50.17 care provider must schedule and participate in a meeting with the client and the client
50.18 representative before the arranged home care provider issues a notice of termination of
50.19 services.

50.20 (b) A facility must schedule and participate in a meeting with the client and client
50.21 representative before the facility issues a termination of housing.

50.22 (c) The purposes of the meeting required under paragraph (a) are to:

50.23 (1) explain in detail the reasons for the proposed termination; and

50.24 (2) identify and offer reasonable accommodations or modifications, interventions, or
50.25 alternatives to avoid the termination including but not limited to securing services from
50.26 another home care provider of the client's choosing. A facility or arranged home care provider
50.27 is not required to offer accommodations, modifications, interventions, or alternatives that
50.28 fundamentally alter the nature of the operation of the facility or arranged home care provider.

50.29 (d) The meeting required under paragraph (a) must be scheduled to take place at least
50.30 seven days before a notice of termination is issued. The facility or arranged home care
50.31 provider, as applicable, must make reasonable efforts to ensure that the client and the client
50.32 representative are able to attend the meeting.

51.1 Subd. 3. Pretermination meeting; notice. (a) The arranged home care provider, the
51.2 facility, or both, as applicable, must provide written notice of the meeting to the client and
51.3 the client's representative at least five business days in advance.

51.4 (b) For a client who receives home and community-based waiver services under
51.5 Minnesota Statutes, section 256B.49, and chapter 256S, the arranged home care provider
51.6 must provide written notice of the meeting to the client's case manager at least five business
51.7 days in advance.

51.8 (c) The meeting must be scheduled to take place at least seven calendar days before a
51.9 notice of termination is issued. The arranged home care provider, in collaboration with the
51.10 facility, must make reasonable efforts to ensure that the client and the client's representative
51.11 are able to attend the meeting.

51.12 (d) The written notice under paragraphs (a) and (b) must include:

51.13 (1) the time, date, and location of the meeting;

51.14 (2) a detailed explanation of the reasons for the proposed termination;

51.15 (3) a list of facility and arranged home care provider representatives who will attend the
51.16 meeting;

51.17 (4) an explanation that the client may invite family members, representatives, health
51.18 professionals, and other individuals to participate in the meeting;

51.19 (5) contact information for the Office of Ombudsman for Long-Term Care and the Office
51.20 of Ombudsman for Mental Health and Developmental Disabilities with a statement that the
51.21 ombudsman offices provide advocacy services to clients;

51.22 (6) the name and contact information of an individual at the facility whom the client
51.23 may contact about the meeting or to request an accommodation;

51.24 (7) notice that attendees may request reasonable accommodations if the client has a
51.25 communication disability or speaks a language other than English;

51.26 (8) notice that if the client's housing or services are terminated, the client has the right
51.27 to appeal under subdivision 10; and

51.28 (9) notice that the client may invite family members, health professionals, a representative
51.29 of the Office of Ombudsman for Long-Term Care, or other persons of the client's choosing
51.30 to attend the meeting. For clients who receive home and community-based waiver services
51.31 under Minnesota Statutes, section 256B.49, and chapter 256S, the facility must notify the
51.32 client's case manager of the meeting.

52.1 (e) The arranged home care provider and the facility must provide written notice to the
 52.2 client, the client's representative, and the client's case manager of any change to the date,
 52.3 time, or location of the pretermination meeting.

52.4 **Subd. 4. Pretermination meeting requirements; identifying and offering**
 52.5 **accommodations, modifications, and alternatives.** (a) At the meeting described in
 52.6 subdivision 2, the arranged home care provider, the facility, or both, as applicable, must:

52.7 (1) explain in detail the reasons for the proposed termination; and

52.8 (2) collaborate with the client and the client's representative, case manager, and any
 52.9 other individual invited by the client, to identify and offer any potential reasonable
 52.10 accommodations, modifications, interventions, or alternatives that can address the issue
 52.11 identified in clause (1).

52.12 (b) Within 24 hours after the conclusion of the meeting, the arranged home care provider,
 52.13 the facility, or both, as applicable, must provide the client with a written summary of the
 52.14 meeting, including any agreements reached about any accommodation, modification,
 52.15 intervention, or alternative that will be used to avoid termination.

52.16 **Subd. 5. Emergency-relocation notice.** (a) A facility may remove a client from the
 52.17 facility in an emergency if necessary due to a client's urgent medical needs or if the client
 52.18 poses an imminent risk to the health or safety of another client, arranged home care provider
 52.19 staff member, or facility staff member. An emergency relocation is not a termination.

52.20 (b) In the event of an emergency relocation, the facility, in coordination with the arranged
 52.21 home care provider, must provide a written notice that contains, at a minimum:

52.22 (1) the reason for the relocation;

52.23 (2) the name and contact information for the location to which the client has been
 52.24 relocated and any new service provider;

52.25 (3) the contact information for the Office of Ombudsman for Long-Term Care;

52.26 (4) if known and applicable, the approximate date or ranges of dates within which the
 52.27 client is expected to return to the facility, or a statement that a return date is not currently
 52.28 known; and

52.29 (5) a statement that, if the facility or arranged home care provider refuse to provide either
 52.30 housing or services after a relocation, the client has a right to appeal under subdivision 10.
 52.31 The facility, in coordination with the arranged home care provider, must provide contact
 52.32 information for the agency to which the resident may submit an appeal.

- 53.1 (c) The notice required under paragraph (b) must be delivered as soon as practicable to:
53.2 (1) the client and the client's representative;
53.3 (2) for residents who receive home and community-based waiver services under
53.4 Minnesota Statutes, section 256B.49, and chapter 256S, the client's case manager; and
53.5 (3) the Office of Ombudsman for Long-Term Care if the client has been relocated and
53.6 has not returned to the facility within four days.
- 53.7 (d) Following an emergency relocation, a facility or an arranged home care provider's
53.8 refusal to provide housing or services, respectively, constitutes a termination and triggers
53.9 the termination process in this section.
- 53.10 (e) When an emergency relocation triggers the termination process and an in-person
53.11 meeting as described in subdivision 5 is impractical or impossible, the facility and arranged
53.12 home care provider may use telephonic, video, or other electronic format.
- 53.13 (f) If the meeting is held through telephone, video, or other electronic format, the facility
53.14 and arranged home care provider must ensure that the client, the client's representative, and
53.15 any case manager or representative of an ombudsman's office are able to participate in the
53.16 meeting. The facility and arranged home care provider must make reasonable efforts to
53.17 ensure that any person the client invites to the meeting is able to participate.
- 53.18 (g) The facility and arranged home care provider must issue the notice in this subdivision
53.19 at least 24 hours in advance of the meeting. The notice must include detailed instructions
53.20 on how to access the means of communication for the meeting.
- 53.21 (h) If notice to the ombudsman is required under paragraph (c), clause (3), the arranged
53.22 home care provider, the facility, or both, as applicable, must provide the notice no later than
53.23 24 hours after the notice requirement is triggered.
- 53.24 **Subd. 6. Restrictions on housing terminations.** (a) A facility may not terminate housing
53.25 except as provided in this subdivision.
- 53.26 (b) Upon 30 days' prior written notice, a facility may initiate a termination of housing
53.27 only for:
- 53.28 (1) nonpayment of rent, provided the facility informs the client that public benefits may
53.29 be available and provides contact information for the Senior LinkAge Line under Minnesota
53.30 Statutes, section 256.975, subdivision 7. An interruption to a client's public benefits that
53.31 lasts for no more than 60 days does not constitute nonpayment; or

54.1 (2) a violation of a lawful provision of housing if the client does not cure the violation
 54.2 within a reasonable amount of time after the facility provides written notice to the client of
 54.3 the ability to cure. Written notice of the ability to cure may be provided in person or by first
 54.4 class mail. A facility is not required to provide a client with written notice of the ability to
 54.5 cure for a violation that threatens the health or safety of the client or another individual in
 54.6 the facility, including the staff of the arranged home care provider, or for a violation that
 54.7 constitutes illegal conduct.

54.8 (c) Upon 15 days' prior written notice, a facility may terminate housing only if the client
 54.9 has:

54.10 (1) engaged in conduct that substantially interferes with the rights, health, or safety of
 54.11 other clients;

54.12 (2) engaged in conduct that substantially and intentionally interferes with the safety or
 54.13 physical health of the staff of the arranged home care provider, the facility, or both, as
 54.14 applicable; or

54.15 (3) committed an act listed in Minnesota Statutes, section 504B.171, that substantially
 54.16 interferes with the rights, health, or safety of other clients.

54.17 (d) Nothing in this subdivision affects the rights and remedies available to facilities and
 54.18 clients under Minnesota Statutes, chapter 504B.

54.19 Subd. 7. **Restrictions on terminations of services.** (a) An arranged home care provider
 54.20 may not terminate services of a client in a facility except as provided in this subdivision.

54.21 (b) Upon 30 days' prior written notice, an arranged home care provider may initiate a
 54.22 termination of services for nonpayment if the client does not cure the violation within a
 54.23 reasonable amount of time after the arranged home care provider provides written notice
 54.24 to the client of the ability to cure. An interruption to a client's public benefits that lasts for
 54.25 no more than 60 days does not constitute nonpayment.

54.26 (c) Upon 15 days' prior written notice, an arranged home care provider may terminate
 54.27 services only if:

54.28 (1) the client has engaged in conduct that substantially interferes with the client's health
 54.29 or safety;

54.30 (2) the client's assessed needs exceed the scope of services agreed upon in the service
 54.31 plan and are not otherwise offered by the arranged home care provider; or

55.1 (3) extraordinary circumstances exist, causing the arranged home care provider to be
55.2 unable to provide the client with the services agreed to in the service plan that are necessary
55.3 to meet the client's needs.

55.4 Subd. 8. **Notice of termination required.** (a) An arranged home care provider, a facility,
55.5 or both, as applicable, must issue a written notice of termination according to this subdivision.
55.6 The facility and arranged home care provider must send a copy of the termination notice to
55.7 the Office of Ombudsman for Long-Term Care and, for residents who receive home and
55.8 community-based services under Minnesota Statutes, section 156B. 49, and chapter 256S,
55.9 to the client's case manager, as soon as practicable after providing notice to the client. A
55.10 facility and arranged home care provider may terminate housing, services, or both, only as
55.11 permitted under subdivisions 8 and 9.

55.12 (b) A facility terminating housing under subdivision 6, paragraph (b), must provide a
55.13 written termination notice at least 30 days before the effective date of the termination to the
55.14 client and the client's representative.

55.15 (c) A facility terminating housing under subdivision 6, paragraph (c), must provide a
55.16 written termination notice at least 15 days before the effective date of the termination to the
55.17 client and the client's representative.

55.18 (d) An arranged home care provider terminating services under subdivision 7, paragraph
55.19 (b), must provide a written termination notice at least 30 days before the effective date of
55.20 the termination to the client and the client's representative.

55.21 (e) An arranged home care provider terminating services under subdivision 7, paragraph
55.22 (c), must provide a written termination notice at least 15 days before the effective date of
55.23 the termination to the client and the client's representative.

55.24 (f) If a resident moves out of a facility or cancels services received from the arranged
55.25 home care provider, nothing in this section prohibits the facility or arranged home care
55.26 provider from enforcing against the client any notice periods with which the client must
55.27 comply under the lease or the service agreement.

55.28 Subd. 9. **Contents of notice of termination.** (a) The notice required under subdivision
55.29 8 must contain, at a minimum:

55.30 (1) the effective date of the termination;

55.31 (2) a detailed explanation of the basis for the termination, including the clinical or other
55.32 supporting rationale;

56.1 (3) a detailed explanation of the conditions under which a new or amended lease or
 56.2 service agreement may be executed;

56.3 (4) a statement that the resident has the right to appeal the termination by requesting a
 56.4 hearing, and information concerning the time frame within which the request must be
 56.5 submitted and the contact information for the agency to which the request must be submitted;

56.6 (5) a statement that the arranged home care provider, the facility, or both, as applicable,
 56.7 must participate in a coordinated move as described in this section;

56.8 (6) the name and contact information of the person employed by the facility or the
 56.9 arranged home care provider with whom the client may discuss the termination;

56.10 (7) information on how to contact the Office of Ombudsman for Long-Term Care to
 56.11 request an advocate to assist regarding the termination;

56.12 (8) information on how to contact the Senior LinkAge Line under Minnesota Statutes,
 56.13 section 256.975, subdivision 7, and an explanation that the Senior LinkAge Line may provide
 56.14 information about other available housing or service options; and

56.15 (9) if the termination is only for services, a statement that the resident may remain in
 56.16 the facility and may secure any necessary services from another provider of the resident's
 56.17 choosing.

56.18 (b) An arranged home care provider, the facility, or both, as applicable, must provide
 56.19 written notice of the client's termination of housing or services, respectively, in person or
 56.20 by first-class mail. Service of the notice must be proved by affidavit of the person making
 56.21 it.

56.22 (c) If sent by mail, the arranged home care provider, the facility, or both, as applicable,
 56.23 must mail the notice to the client's last known address.

56.24 (d) An arranged home care provider, the facility, or both, as applicable, providing a
 56.25 notice to the ombudsman of a client's termination of housing or services must provide the
 56.26 ombudsman with a copy of the written notice that is provided to the client. The arranged
 56.27 home care provider, the facility, or both, as applicable, must provide notice to the ombudsman
 56.28 as soon as practicable, but in any event no later than two business days after notice is
 56.29 provided to the client. The notice must include a telephone number for the client, or, if the
 56.30 client does not have a telephone number, the telephone number of the client's representative
 56.31 or case manager.

56.32 Subd. 10. **Right to appeal and permissible grounds to appeal termination.** (a) A
 56.33 client has the right to appeal the termination of housing or services termination.

57.1 (b) A client may appeal a termination initiated under subdivisions 6 and 7 on the ground
57.2 that:

57.3 (1) there is a factual dispute as to whether the arranged home care provider, the facility,
57.4 or both, as applicable, had a permissible basis to initiate the termination;

57.5 (2) the termination would result in great harm or the potential for great harm to the client
57.6 as determined by the totality of the circumstances, except in circumstances where there is
57.7 a greater risk of harm to other clients or staff of the arranged home care provider, the facility,
57.8 or both, as applicable;

57.9 (3) the client has corrected or demonstrated the ability to correct the reasons for the
57.10 termination, or has identified a reasonable accommodation or modification, intervention,
57.11 or alternative to the termination; or

57.12 (4) the arranged home care provider, the facility, or both, as applicable, has terminated
57.13 housing, services, or both, in violation of state or federal law.

57.14 (c) Upon receipt of written notice of termination, a client has 30 calendar days to appeal
57.15 the termination.

57.16 Subd. 11. **Appeal process.** (a) The Office of Administrative Hearings must conduct an
57.17 expedited hearing no later than practicable under this section, but no later than 14 calendar
57.18 days after the office receives the request, unless the parties agree otherwise or the chief
57.19 administrative law judge deems the timing to be unreasonable, given the complexity of the
57.20 issues presented.

57.21 (b) In a process to be determined by the commissioner, the client shall contact the
57.22 commissioner to request an appeal of the termination within 30 days of written receipt of
57.23 the termination notice, which will be timely scheduled with the Office of Administrative
57.24 Hearings.

57.25 (c) The hearing must be held at the facility where the client lives, unless holding the
57.26 hearing at that location is impractical, the parties agree to hold the hearing at a different
57.27 location, or the chief administrative law judge grants a party's request to appear at another
57.28 location or by remote means.

57.29 (d) The hearing is not a formal contested case proceeding, except when determined
57.30 necessary by the chief administrative law judge. If the chief administrative law judge
57.31 determines that the hearing shall proceed as a formal contested case proceeding, the hearing
57.32 shall be held according to the Minnesota Revenue Recapture Act, Minnesota Rules, parts
57.33 1400.8505 to 1400.8612.

58.1 (e) The administrative law judge shall make a transcript of the hearing.

58.2 (f) The informal hearing will allow the client to provide an opportunity to present written
58.3 or oral objections or defenses to the termination.

58.4 (g) If either party is represented by an attorney, the administrative law judge shall
58.5 emphasize the informality of the hearing.

58.6 (h) If the client is unable to represent themselves at the hearing, the resident may present
58.7 the client's appeal to the administrative law judge on the client's behalf.

58.8 (i) Parties may be, but are not required to be, represented by counsel. The appearance
58.9 of a party without counsel does not constitute the unauthorized practice of law.

58.10 (j) The arranged home care provider, the facility, or both, as applicable, bears the burden
58.11 of proof to establish by a preponderance of the evidence that the termination was permissible
58.12 if the appeal is brought on the ground listed in subdivision 12, paragraph (a), clause (4).

58.13 (k) The client bears the burden of proof to establish by a preponderance of the evidence
58.14 that the termination was permissible if the appeal is brought on the grounds listed in
58.15 subdivision 12, paragraph (b), clause (2) or (3).

58.16 (l) The hearing shall be limited to the amount of time necessary for the participants to
58.17 expeditiously present the facts about the proposed termination. The administrative law judge
58.18 shall issue a final decision as soon as practicable, but no later than ten business days after
58.19 the hearing.

58.20 (m) The administrative law judge's decision may contain any conditions that may be
58.21 placed on the client's continued residency or receipt of services, including but not limited
58.22 to changes to the service plan or a required increase in services.

58.23 (n) The client's termination must be rescinded if the client prevails in the appeal.

58.24 (o) The facility, arranged home care provider, or client may appeal the administrative
58.25 law judge's decision to the Minnesota Court of Appeals.

58.26 Subd. 12. **Service provision while appeal pending.** A termination of housing or services
58.27 shall not occur while an appeal is pending. If additional services are needed to meet the
58.28 health or safety needs of the client while an appeal is pending, the client is responsible for
58.29 contracting for those additional services from the facility or another home care provider
58.30 licensed under Minnesota Statutes, chapter 144A, and for ensuring the costs for those
58.31 additional services are covered.

59.1 Subd. 13. **Application of chapter 504B to appeals of terminations.** A client may not
 59.2 bring an action under Minnesota Statutes, chapter 504B, to challenge a termination that has
 59.3 occurred and been upheld under this section.

59.4 Subd. 14. **Restriction on lease nonrenewals.** If a facility decides to not renew a client's
 59.5 lease, the facility must:

59.6 (1) provide the client with 60 calendar days' notice of the nonrenewal;

59.7 (2) ensure a coordinated move as provided under this section;

59.8 (3) consult and cooperate with the client; the client representative; the case manager of
 59.9 a client who receives home and community-based waiver services under Minnesota Statutes,
 59.10 section 256B.49, and chapter 256S; relevant health professionals; and any other person of
 59.11 the client's choosing, to make arrangements to move the client; and

59.12 (4) prepare a written plan to prepare for the move.

59.13 Subd. 15. **Right to return.** If a client is absent from a facility for any reason, the facility
 59.14 shall not refuse to allow a client to return if a lease termination has not been effectuated.

59.15 Subd. 16. **Coordinated moves.** (a) A facility or an arranged home care provider, as
 59.16 applicable, must arrange a coordinated move for a client according to this subdivision if:

59.17 (1) a facility terminates a lease or closes the facility;

59.18 (2) an arranged home care provider terminates services; or

59.19 (3) an arranged home care provider reduces or eliminates services to the extent that the
 59.20 client needs to move.

59.21 (b) If an event listed in paragraph (a) occurs, the arranged home care provider, together
 59.22 with the facility must:

59.23 (1) ensure a coordinated move to a safe location that is appropriate for the client and
 59.24 that is identified by the arranged home care provider;

59.25 (2) ensure a coordinated move to an appropriate service provider identified by the
 59.26 arranged home care provider, provided services are still needed and desired by the client;
 59.27 and

59.28 (3) consult and cooperate with the client; the client's representative; the case manager
 59.29 for a client who receives home and community-based waiver services under Minnesota
 59.30 Statutes, section 256B.49, and chapter 256S; relevant health professionals; and any other
 59.31 person of the client's choosing, to make arrangements to move the client.

60.1 (c) The requirements in paragraph (b), clauses (1) and (2), may be satisfied by moving
60.2 the client to a different location within the same facility, if appropriate for the client.

60.3 (d) A client may decline to move to the location the facility identifies or to accept services
60.4 from a service provider the arranged home care provider identifies, and may choose instead
60.5 to move to a location of the client's choosing or to receive services from a service provider
60.6 of the client's choosing.

60.7 (e) Sixty days before the arranged home care provider reduces or eliminates one or more
60.8 services for a particular client, the arranged home care must provide written notice of the
60.9 reduction or elimination. If the facility, arranged home care provider, client, or client's
60.10 representative determines that the reduction or elimination of services will force the client
60.11 to move to a new location, the facility in coordination with the arranged home care provider
60.12 must ensure a coordinated move in accordance with this subdivision, and must provide
60.13 notice to the Office of Ombudsman for Long-Term Care.

60.14 (f) The facility or arranged home care provider, as applicable, must prepare a
60.15 client-relocation evaluation and client-relocation plan as described in this section to prepare
60.16 for the move to the new location or service provider.

60.17 (g) With the client's knowledge and consent, if the client is relocated to another facility
60.18 or to a nursing home, or if care is transferred to another service provider, the arranged home
60.19 care provider, the facility, or both, must timely convey to the new facility, nursing home,
60.20 or service provider:

60.21 (1) the client's full name, date of birth, and insurance information;

60.22 (2) the name, telephone number, and address of the client's representative, if any;

60.23 (3) the client's current, documented diagnoses that are relevant to the services being
60.24 provided;

60.25 (4) the client's known allergies that are relevant to the services being provided;

60.26 (5) the name and telephone number of the client's physician, if known, and the current
60.27 physician orders that are relevant to the services being provided;

60.28 (6) all medication administration records that are relevant to the services being provided;

60.29 (7) the most recent client assessment, if relevant to the services being provided; and

60.30 (8) copies of health care directives, "do not resuscitate" orders, and any guardianship
60.31 orders or powers of attorney.

61.1 Subd. 17. **Client-relocation evaluation.** If the client plans to move out of the facility
 61.2 due to termination of housing or services, or nonrenewal of housing, the arranged home
 61.3 care provider and the facility must work in coordination to prepare a written client-relocation
 61.4 evaluation. The evaluation must include:

61.5 (a) the client's current service plan;

61.6 (b) a list of safe and appropriate housing and service providers that are in reasonable in
 61.7 close proximity to the facility and are able to accept a new client; and

61.8 (c) the client's needs and choices.

61.9 Subd. 18. **Client-relocation plan.** (a) The arranged home care provider, in coordination
 61.10 with the facility, must hold a planning conference to develop a relocation plan with the
 61.11 client, the client's representative and case manager, if any, and other individuals invited by
 61.12 the client.

61.13 (b)The client-relocation plan must accommodate the client-relocation evaluation
 61.14 developed in subdivision 17.

61.15 (c) The client-relocation plan must include:

61.16 (1) the date and time that the client will move;

61.17 (2) how the client and the client's personal property, including pets, will be transported
 61.18 to the new housing provider;

61.19 (3) how the facility will care for and store the client's belongings;

61.20 (4) recommendations to assist the client to adjust to the new living environment;

61.21 (5) recommendations for addressing the stress that a client with dementia may experience
 61.22 when moving to a new living environment, if applicable;

61.23 (6) recommendations for ensuring the safe and proper transfer of the client's medications
 61.24 and durable medical equipment;

61.25 (7) arrangements that have been made for the client's follow-up care and meals;

61.26 (8) a plan for transferring and reconnecting telephone and Internet services; and

61.27 (9) the party responsible for paying moving expenses and how the expenses will be paid.

61.28 (d) The facility and arranged home care provider must implement the relocation plan
 61.29 and comply with the coordinated move requirements in this section.

62.1 Subd. 19. **Providing client-relocation information to new provider.** With the client's
62.2 consent, the arranged home care provider and the facility must provide the following
62.3 information in writing to the client's receiving facility or other service provider:

62.4 (1) the name and address of the facility and arranged home care provider, the dates of
62.5 the client's admission and discharge, and the name and address of a person at the facility
62.6 and arranged home care provider to contact for additional information;

62.7 (2) the client's most recent service plan, if the client has received services from the
62.8 arranged home care provider; and

62.9 (3) the client's currently active "do not resuscitate" order and "physician order for life
62.10 sustaining treatment," if any.

62.11 Subd. 20. **Client discharge summary.** At the time of discharge, the arranged home care
62.12 provider in coordination with the facility, must provide the client, and, with the client's
62.13 consent, the client's representative and case manager, if applicable, with a written discharge
62.14 summary that includes:

62.15 (1) a summary of the client's stay that includes diagnoses, courses of illnesses, treatments,
62.16 and therapies, and pertinent lab, radiology, and consultation results;

62.17 (2) a final summary of the client's status from the latest assessment or review under
62.18 Minnesota Statutes, section 144A.4791, if applicable;

62.19 (3) reconciliation of all predischARGE medications with the client's postdischarge
62.20 prescribed and over-the-counter medications; and

62.21 (4) postdischarge care plan that is developed with the client and, with the client's consent,
62.22 the client's representative, which will help the client adjust to a new living environment.
62.23 The postdischarge care plan must indicate where the client plans to reside, any arrangements
62.24 that have been made for the client's follow-up care, and any post-discharge medical and
62.25 non-medical services the client will need.

62.26 Subd. 21. **Services pending appeal.** If a client needs additional services during a pending
62.27 termination appeal, the arranged home care provider must contact and inform the client's
62.28 case manager, if applicable, of the client's responsibility to contract and ensure payment for
62.29 those services.

62.30 Subd. 22. **Client assessment.** If an arranged home care provider seeks to terminate a
62.31 client's services on the basis of subdivision 7, paragraph (c), clause (2), the provider must
62.32 give the assessment that forms the basis of the termination to the client and include the name
62.33 and contact information of any medical professionals who performed the assessment.

63.1 Subd. 23. **Appealing on behalf of client.** A client may appeal the termination directly
 63.2 or through an individual acting on the client's behalf.

63.3 Subd. 24. **No waiver.** No facility or arranged home care provider may request or require
 63.4 that a client waive the client's rights or requirements under this section at any time or for
 63.5 any reason, including as a condition of admission to the facility.

63.6 Subd. 25. **Assisted living bill of rights.** (a) Assisted living clients, as defined in
 63.7 Minnesota Statutes, section 144G.01, subdivision 3, shall be provided with the home care
 63.8 bill of rights in Minnesota Statutes, section 144A.44, except that for assisted living clients
 63.9 the provision in Minnesota Statutes, section 144A.44, subdivision 1, paragraph (1), clause
 63.10 (17) does not apply and instead assisted living clients must be advised they have the right
 63.11 to reasonable, advance notice of changes in services or charges.

63.12 (b) This subdivision supersedes Minnesota Statutes, sections 144A.441 and 144A.442,
 63.13 until those sections are repealed.

63.14 **EFFECTIVE DATE.** This section is effective for contracts entered into on or after the
 63.15 date of enactment for this section and expires July 31, 2022.

63.16 Sec. 53. **APPROPRIATION; COVID-19 SCREENING PROGRAM.**

63.17 (a) \$..... in fiscal year 2021 is appropriated from the coronavirus relief fund to the
 63.18 commissioner of human services for COVID-19 baseline screening grants under section 1.
 63.19 This is a onetime appropriation.

63.20 (b) \$..... in fiscal year 2021 is appropriated from the coronavirus relief fund to the
 63.21 commissioner of human services for cost-based reimbursement for COVID-19 serial
 63.22 screening under section 1. This is a onetime appropriation.

63.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

63.24 Sec. 54. **APPROPRIATION; BOARD OF EXECUTIVES FOR LONG TERM**
 63.25 **SERVICES AND SUPPORTS.**

63.26 \$467,000 in fiscal year 2021 is appropriated from the state government special revenue
 63.27 fund to the Board of Executives for Long Term Services and Supports for operations and
 63.28 is effective the day following final enactment. The base for this appropriation is \$722,000
 63.29 in fiscal year 2022 and \$742,000 in fiscal year 2023.

63.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.