



Assisted Living Licensure – 144G

Senate Human Services Reform Committee
Assistant Commissioner Diane Rydrych | Assistant Division Director Lindsey Krueger
December 14, 2022

- Assisted Living Licensure was passed in 2019 with broad bipartisan, provider and stakeholder support
- Intent of the law was to set consistent, clear expectations for providers and more protections for residents living in these settings
- Combines housing and services into one license

Two Categories of Licensure

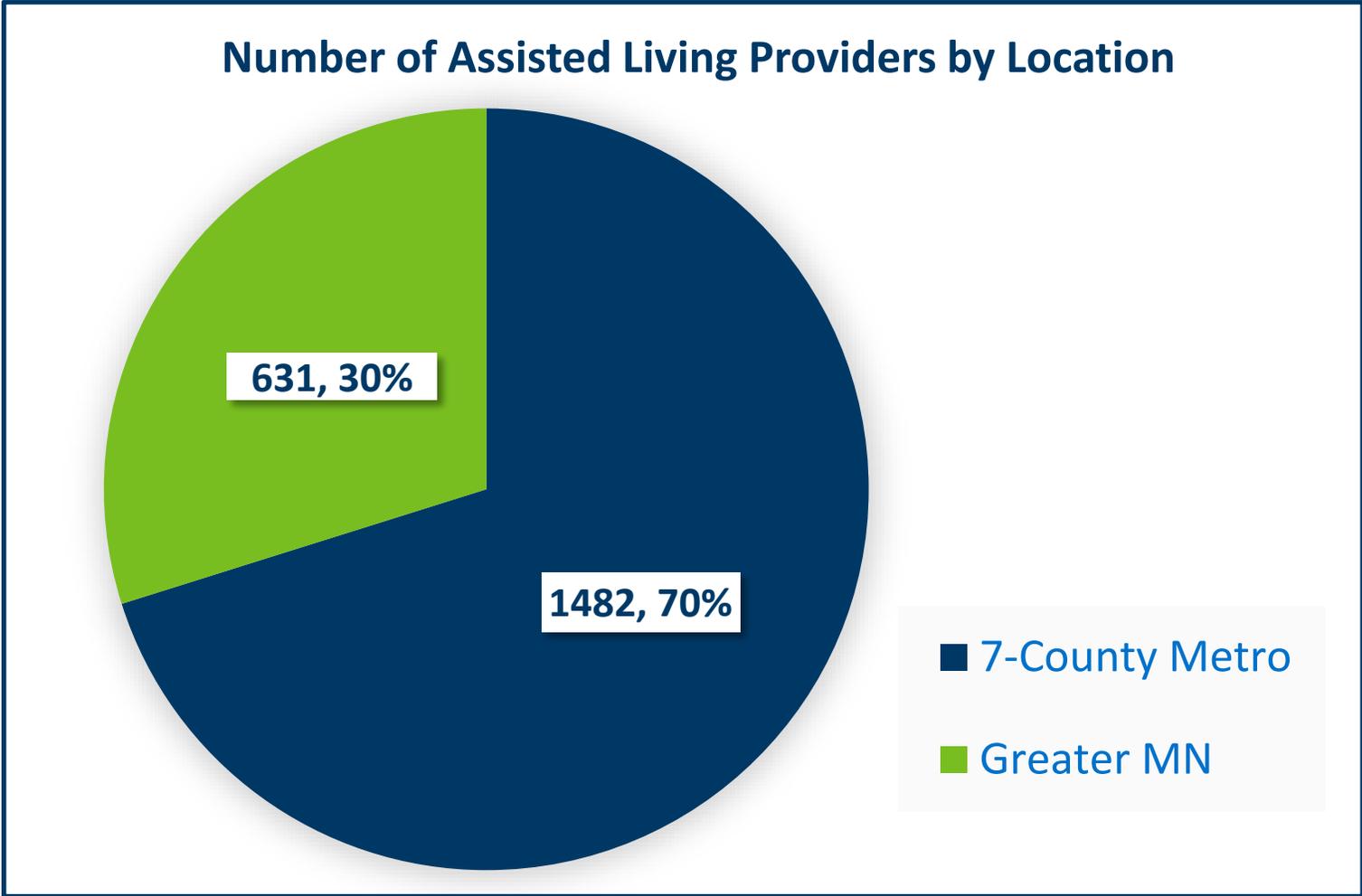
Assisted Living License

- Provides housing and AL services to residents
- May provide AL services to residents with dementia
- Must meet resident's assessed needs
- Diagnosis does not dictate setting
- Prohibited from having a secured dementia care unit

Assisted Living License w/Dementia Care

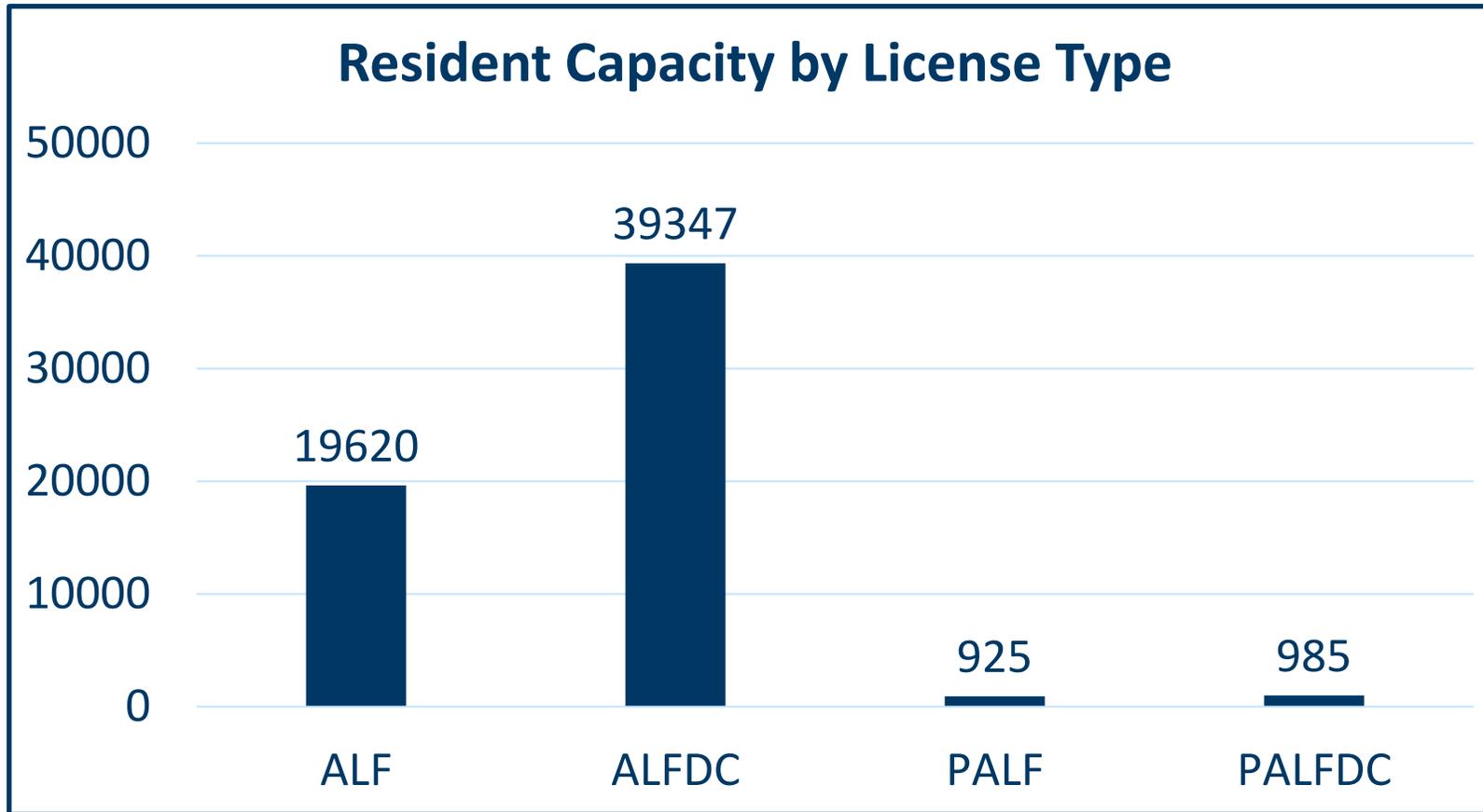
- Can advertise, market, or promote as providing specialized care for residents with dementia
- Must meet requirements of AL Facility license and requirements of:
 - License
 - Training
 - Programming
- May have a secure dementia care unit

Licensing Numbers by Location



Data pulled 12/12/2022

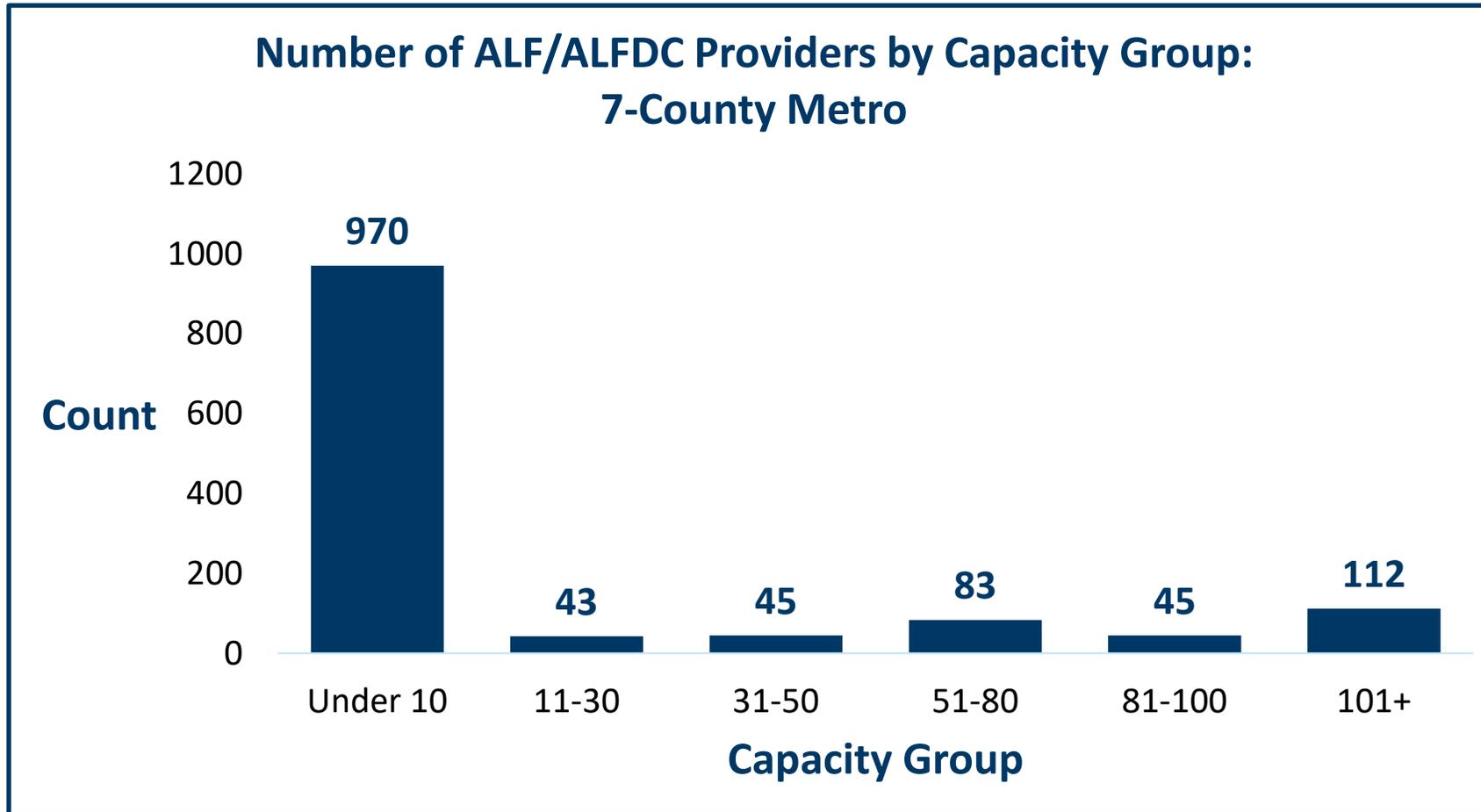
Resident Capacity by License Type



- ALF** - Assisted Living Facility
- ALFDC** - Assisted Living Facility with Dementia Care
- PALF** – Provisional Assisted Living Facility
- PALFDC** – Provisional Assisted Living Facility with Dementia Care

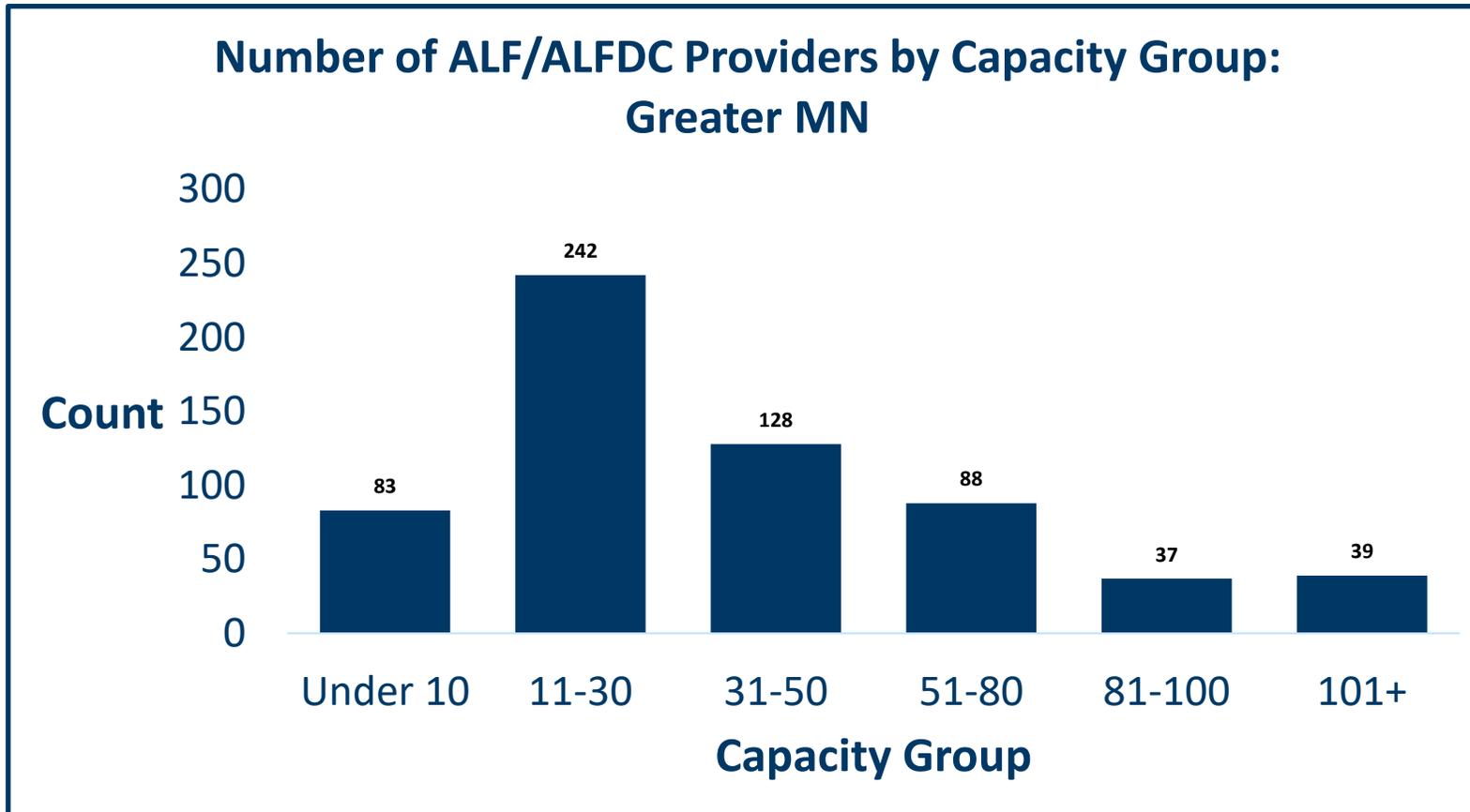
Data pulled 12/12/2022

Numbers of ALF/ALFDC by Capacity Size - Metro



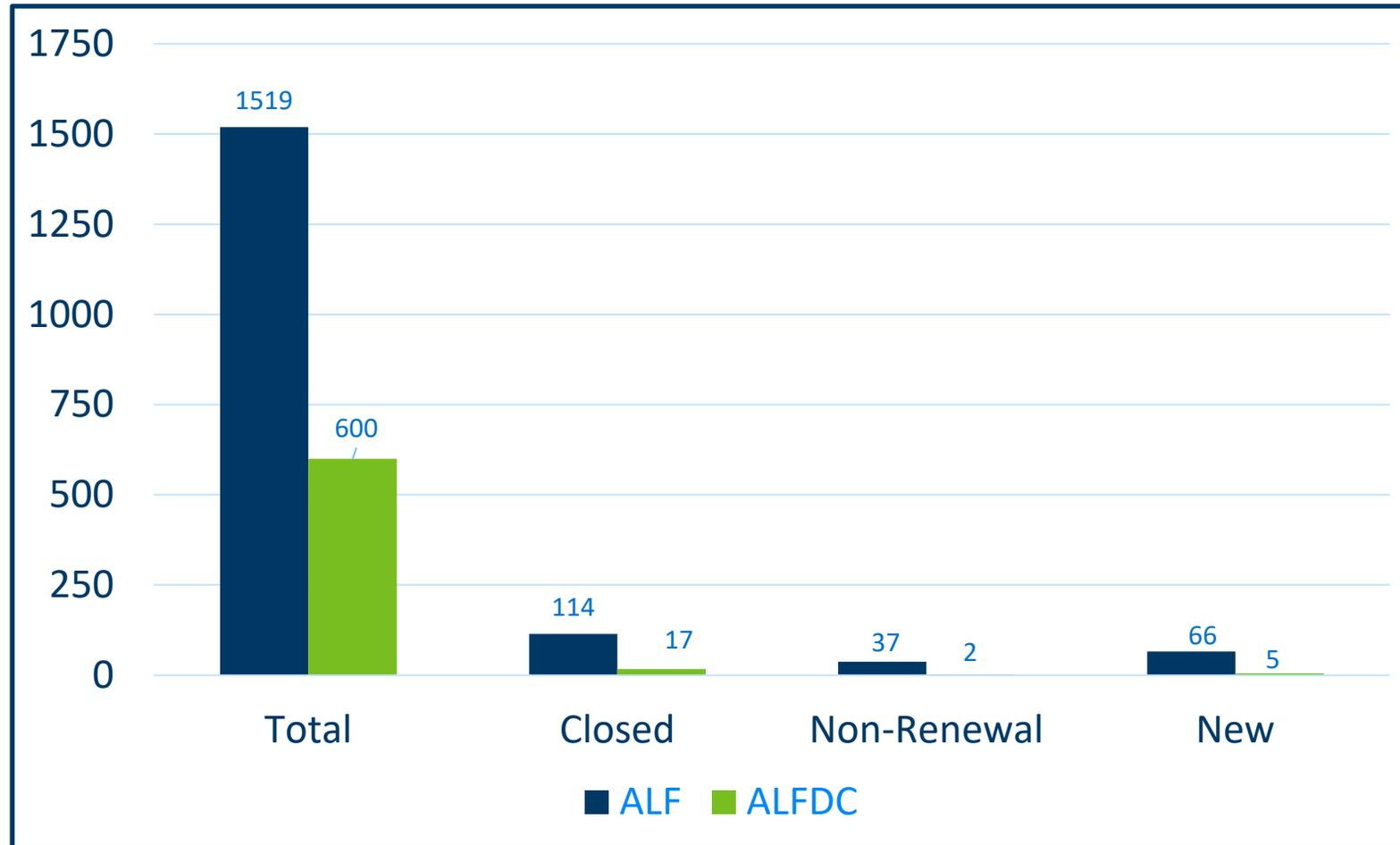
Data pulled 12/12/2022

Numbers of ALF/ALFDC by Capacity Size – Greater MN



Data pulled 12/12/2022

Assisted Living Closures/Non-Renewals/New Licenses by License Type



Data pulled 11/23/2022

Assisted Living Closures by Size/Location

Facilities	Resident Capacity	Facility Size by Capacity	Location	% Closed
26	570	More than 5	Greater MN	4%
13	57	5 or less	Greater MN	32%
19	271	More than 5	Metro	3%
74	312	5 or less	Metro	7%

Data pulled 12/12/2022

MDH's Implementation Steps

- MDH, DHS, and other stakeholders have stayed very connected regarding licensure requirements, and evolving challenges of this new structure
- We continue to think about ways to retain protections for the residents while making the process less burdensome for providers
- MDH continues to communicate through WebEx's, brown bag lunches, and newsletters to help provide guidance and answer questions
 - 28 WebEx presentations & 5 lunch and learn sessions have been held since February 2021
 - Topics include ALL implementation, licensing/renewal process, food code, physical environment, emergency preparedness, and surveys/investigations
 - Slides and notes are public on MDH's webpage at: [Assisted Living Teleconference Calls - MN Dept. of Health \(state.mn.us\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/calls.html)
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Implementation Concerns

- Kitchen and Food Code
- 24-hour awake staffing requirement
- Cost of licensing/renewal, unable to move facility address
- Assisted Living Director requirements
- RN assessments requirements are time consuming
- Reimbursement of CADI, BI, and EW waived service payments are too low, or assessments are unfair

Top ALF/ALFDC Survey Findings - Large Providers

- Areas of top 5 citations include:
 - Physical environment
 - Examples include: Lack of smoke alarms, broken windows/missing tiles, holes in walls, insect control
 - Incomplete emergency and disaster planning
 - Examples include: Fire drills, evacuation plans, training of staff
 - Food Code violations

Top ALF/ALFDC Survey Findings - Small Providers

- Areas of top 5 citations include:
 - Physical environment
 - Examples include: Lack of smoke alarms, broken windows/missing tiles, holes in walls, insect control
 - Incomplete emergency and disaster planning
 - Examples include: Fire drills, evacuation plans, training of staff
 - Food Code violations
 - Lack of documentation in employee records
 - Examples include: Training records, background studies

Agency/Board Responsibilities

Department of Human Services/County

- County assessments/service agreements/case manager turnover
- Waivered service payments
- Moratorium exception

Department of Health

- Licensing/enforcement
- Implementation of statutory requirements
- Every 2-year surveys

Board of Examiners of Long-Term Services and Supports (BELTSS)

- Requirements/responsibilities of the assisted living director

MDH Commitment

- MDH is committed to continuing to provide information, education, and to help answer questions about the licensure
- MDH is currently taking the following steps:
 - Learning from other states about how they have approached regulation of small, residential-style settings.
 - Developing an approach for convening conversations with DHS and consumer/provider stakeholders to explore any modifications that might be needed to balance resident needs and provider concerns for small providers.

Thank You!