

1.1 Senator moves to amend the delete-everything amendment (SCS5335A-3)
1.2 to S.F. No. 5335 as follows:

1.3 Page 31, after line 26, insert:

1.4 "Section 1. Minnesota Statutes 2022, section 144G.41, subdivision 1, is amended to read:

1.5 Subdivision 1. **Minimum requirements.** All assisted living facilities shall:

1.6 (1) distribute to residents the assisted living bill of rights;

1.7 (2) provide services in a manner that complies with the Nurse Practice Act in sections
1.8 148.171 to 148.285;

1.9 (3) utilize a person-centered planning and service delivery process;

1.10 (4) have and maintain a system for delegation of health care activities to unlicensed
1.11 personnel by a registered nurse, including supervision and evaluation of the delegated
1.12 activities as required by the Nurse Practice Act in sections 148.171 to 148.285;

1.13 (5) provide a means for residents to request assistance for health and safety needs 24
1.14 hours per day, seven days per week;

1.15 (6) allow residents the ability to furnish and decorate the resident's unit within the terms
1.16 of the assisted living contract;

1.17 (7) permit residents access to food at any time;

1.18 (8) allow residents to choose the resident's visitors and times of visits;

1.19 (9) allow the resident the right to choose a roommate if sharing a unit;

1.20 (10) notify the resident of the resident's right to have and use a lockable door to the
1.21 resident's unit. The licensee shall provide the locks on the unit. Only a staff member with
1.22 a specific need to enter the unit shall have keys, and advance notice must be given to the
1.23 resident before entrance, when possible. An assisted living facility must not lock a resident
1.24 in the resident's unit;

1.25 (11) develop and implement a staffing plan for determining its staffing level that:

1.26 (i) includes an evaluation, to be conducted at least twice a year, of the appropriateness
1.27 of staffing levels in the facility;

1.28 (ii) ensures sufficient staffing at all times to meet the scheduled and reasonably
1.29 foreseeable unscheduled needs of each resident as required by the residents' assessments
1.30 and service plans on a 24-hour per day basis; and

(iii) ensures that the facility can respond promptly and effectively to individual resident emergencies and to emergency, life safety, and disaster situations affecting staff or residents in the facility;

(12) ensure that one or more persons are available 24 hours per day, seven days per week, who are responsible for responding to the requests of residents for assistance with health or safety needs. Such persons must be:

(i) awake;

(ii) located in the same building, in an attached building, or on a contiguous campus with the facility in order to respond within a reasonable amount of time;

(iii) capable of communicating with residents;

(iv) capable of providing or summoning the appropriate assistance; and

(v) capable of following directions; and

~~(13) offer to provide or make available at least the following services to residents:~~

~~(i) at least three nutritious meals daily with snacks available seven days per week, according to the recommended dietary allowances in the United States Department of Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables. The following apply:~~

~~(A) menus must be prepared at least one week in advance, and made available to all residents. The facility must encourage residents' involvement in menu planning. Meal substitutions must be of similar nutritional value if a resident refuses a food that is served. Residents must be informed in advance of menu changes;~~

~~(B) food must be prepared and served according to the Minnesota Food Code, Minnesota Rules, chapter 4626; and~~

~~(C) the facility cannot require a resident to include and pay for meals in their contract;~~

~~(ii) weekly housekeeping;~~

~~(iii) weekly laundry service;~~

~~(iv) upon the request of the resident, provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance;~~

~~(v) upon the request of the resident, provide reasonable assistance with accessing community resources and social services available in the community, and provide the name of or other identifying information about persons responsible for providing this assistance;~~

~~(vi) provide culturally sensitive programs; and~~

~~(vii) have a daily program of social and recreational activities that are based upon individual and group interests, physical, mental, and psychosocial needs, and that creates opportunities for active participation in the community at large; and~~

~~(14)~~ (13) provide staff access to an on-call registered nurse 24 hours per day, seven days per week.

Sec. 2. Minnesota Statutes 2022, section 144G.41, is amended by adding a subdivision to read:

Subd. 1a. **Minimum requirements; required food services.** (a) All assisted living facilities must offer to provide or make available at least three nutritious meals daily with snacks available seven days per week, according to the recommended dietary allowances in the United States Department of Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables. The menus must be prepared at least one week in advance, and made available to all residents. The facility must encourage residents' involvement in menu planning. Meal substitutions must be of similar nutritional value if a resident refuses a food that is served. Residents must be informed in advance of menu changes. The facility must not require a resident to include and pay for meals in the resident's contract. Except as provided in paragraph (b), food must be prepared and served according to the Minnesota Food Code, Minnesota Rules, chapter 4626.

(b) For an assisted living facility with a licensed capacity of ten or fewer residents:

(1) notwithstanding Minnesota Rules, part 4626.0033, item A, the facility may share a certified food protection manager (CFPM) with one other facility located within a 60-mile radius and under common management provided the CFPM is present at each facility frequently enough to effectively administer, manage, and supervise each facility's food service operation;

(2) notwithstanding Minnesota Rules, part 4626.0545, item A, kick plates that are not removable or cannot be rotated open are allowed unless the facility has been issued repeated correction orders for violations of Minnesota Rules, part 4626.1565 or 4626.1570;

(3) notwithstanding Minnesota Rules, part 4626.0685, item A, the facility is not required to provide integral drainboards, utensil racks, or tables large enough to accommodate soiled

and clean items that may accumulate during hours of operation provided soiled items do not contaminate clean items, surfaces, or food, and clean equipment and dishes are air dried in a manner that prevents contamination before storage;

(4) notwithstanding Minnesota Rules, part 4626.1070, item A, the facility is not required to install a dedicated handwashing sink in its existing kitchen provided it designates one well of a two-compartment sink for use only as a handwashing sink;

(5) notwithstanding Minnesota Rules, parts 4626.1325, 4626.1335, and 4626.1360, item A, existing floor, wall, and ceiling finishes are allowed provided the facility keeps them clean and in good condition;

(6) notwithstanding Minnesota Rules, part 4626.1375, shielded or shatter-resistant lightbulbs are not required, but if a light bulb breaks, the facility must discard all exposed food and fully clean all equipment, dishes, and surfaces to remove any glass particles; and

(7) notwithstanding Minnesota Rules, part 4626.1390, toilet rooms are not required to be provided with a self-closing door.

Sec. 3. Minnesota Statutes 2022, section 144G.41, is amended by adding a subdivision to read:

Subd. 1b. **Minimum requirements; other required services.** All assisted living facilities must offer to provide or make available the following services to residents:

(1) weekly housekeeping;

(2) weekly laundry service;

(3) upon the request of the resident, provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance;

(4) upon the request of the resident, provide reasonable assistance with accessing community resources and social services available in the community, and provide the name of or other identifying information about persons responsible for providing this assistance;

(5) provide culturally sensitive programs; and

(6) have a daily program of social and recreational activities that are based upon individual and group interests, physical, mental, and psychosocial needs, and that creates opportunities for active participation in the community at large."

5.1 Page 32, after line 29, insert:

5.2 "Sec. 5. Minnesota Statutes 2022, section 144G.63, subdivision 1, is amended to read:

5.3 Subdivision 1. **Orientation of staff and supervisors.** (a) All staff providing and
5.4 supervising direct services must complete an orientation to assisted living facility licensing
5.5 requirements and regulations before providing assisted living services to residents. The
5.6 orientation may be incorporated into the training required under subdivision 5. The orientation
5.7 need only be completed once for each staff person and is not transferable to another facility,
5.8 except as provided in paragraph (b).

5.9 (b) A staff person is not required to repeat the orientation required under subdivision 2
5.10 if the staff person transfers from one licensed assisted living facility to another facility
5.11 operated by the same licensee or by a licensee affiliated with the same corporate organization
5.12 as the licensee of the first facility, or to another facility managed by the same entity managing
5.13 the first facility. The facility to which the staff person transfers must document that the staff
5.14 person completed the orientation at the prior facility. The facility to which the staff person
5.15 transfers must nonetheless provide the transferred staff person with supplemental orientation
5.16 specific to the facility and document that the supplemental orientation was provided. The
5.17 supplemental orientation must include the types of assisted living services the staff person
5.18 will be providing, the facility's category of licensure, and the facility's emergency procedures.
5.19 A staff person cannot transfer to an assisted living facility with dementia care without
5.20 satisfying the additional training requirements under section 144G.83."

5.21 Page 34, after line 23, insert:

5.22 "Sec. 8. Minnesota Statutes 2022, section 144G.70, subdivision 2, is amended to read:

5.23 Subd. 2. **Initial reviews, assessments, and monitoring.** (a) Residents who are not
5.24 receiving any assisted living services shall not be required to undergo an initial nursing
5.25 assessment.

5.26 (b) An assisted living facility shall conduct a nursing assessment by a registered nurse
5.27 of the physical and cognitive needs of the prospective resident and propose a temporary
5.28 service plan prior to the date on which a prospective resident executes a contract with a
5.29 facility or the date on which a prospective resident moves in, whichever is earlier. If
5.30 necessitated by either the geographic distance between the prospective resident and the
5.31 facility, or urgent or unexpected circumstances, the assessment may be conducted using
5.32 telecommunication methods based on practice standards that meet the resident's needs and
5.33 reflect person-centered planning and care delivery.

~~(c) Resident reassessment and monitoring must be conducted no more than 14 calendar days after initiation of services. Ongoing resident reassessment and monitoring must be conducted as needed based on changes in the needs of the resident and cannot exceed 90 calendar days from the last date of the assessment.~~ by a registered nurse:

(1) no more than 14 calendar days after initiation of services;

(2) as needed based upon changes in the needs of the resident;

(3) not to exceed 180 calendar days; and

(4) annually.

(d) Focused assessments of the health status of the resident as described in section 148.171, subdivision 14, must be conducted by a registered nurse or licensed practical nurse to address Minnesota Rules, part 4659.0150, subpart 2, item B; item D, subitems (2) to (4), unit (h); item D, subitems (7) and (8); item E, subitems (2) and (3); Items F, subitem (2) to item M, subitem (5); and item M, subitems (7) to (9), and be scheduled to not exceed 90 days since the last reassessment or focused assessment. Annual assessments conducted by a registered nurse may take the place of a scheduled 90-day reassessment.

~~(d)~~ (e) For residents only receiving assisted living services specified in section 144G.08, subdivision 9, clauses (1) to (5), the facility shall complete an individualized initial review of the resident's needs and preferences. The initial review must be completed within 30 calendar days of the start of services. Resident monitoring and review must be conducted as needed based on changes in the needs of the resident and cannot exceed 90 calendar days from the date of the last review.

~~(e)~~ (f) A facility must inform the prospective resident of the availability of and contact information for long-term care consultation services under section 256B.0911, prior to the date on which a prospective resident executes a contract with a facility or the date on which a prospective resident moves in, whichever is earlier."

Renumber the sections in sequence and correct the internal references