

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

Page 31, after line 26, insert:

"Section 1. **[144G.195] FACILITY RELOCATION.**

Subdivision 1. **New license not required.** (a) Effective March 15, 2025, an assisted living facility with a licensed resident capacity of ten residents or fewer may operate under the licensee's current license if the facility is relocated with the approval of the commissioner during the period the current license is valid.

(b) A licensee is not required to apply for a new license solely because the licensee receives approval to relocate a facility, and the licensee's license for the relocated facility remains valid until the expiration date specified on the existing license. The commissioner must apply the licensing and survey cycle previously established for the facility's prior location to the facility's new location.

(c) A licensee must notify the commissioner of health through a form developed by the commissioner of the licensee's intent to relocate the licensee's facility. The building to which the licensee intends to relocate the facility must obtain plan review approval and a certificate of occupancy from the commissioner of labor and industry or the commissioner of labor and industry's delegated authority. Upon issuance of a certificate of occupancy, the commissioner of health must review and inspect the building to which the licensee intends to relocate the facility and approve or deny the license relocation within 30 calendar days.

(d) A licensee that receives approval from the commissioner to relocate a facility must provide each resident with a new assisted living contract and comply with the coordinated move requirements under section 144G.55.

(e) A licensee denied approval by the commissioner to relocate a facility may continue to operate the facility in its current location, follow the requirements in section 144G.57 and close the facility, or notify the commissioner of the licensee's intent to relocate the facility to an alternative new location. If the licensee notifies the commissioner of the licensee's intent to relocate the facility to an alternative new location, paragraph (c) applies, including the timelines for approving or denying the license relocation for the alternative new location.

Subd. 2. **Limited exemption from the customized living setting moratorium and age limitations.** (a) A licensee that receives approval from the commissioner of health under subdivision 1 to relocate a facility that is also enrolled with the Department of Human

Services as a customized living setting to deliver 24-hour customized living services and customized living services as defined by the brain injury and community access for disability inclusion home and community-based services waiver plans and under section 256B.49 must inform the commissioner of human services of the licensee's intent to relocate.

(b) If the licensee at the time of the intended relocation is providing customized living or 24-hour customized living services under the brain injury and community access for disability inclusion home and community-based services waiver plans and section 256B.49 to at least one individual, and the licensee intends to continue serving that individual in the new location, the licensee must inform the commissioner of human services of the licensee's intention to do so and meet the requirements specified under section 256B.49, subdivision 28a.

EFFECTIVE DATE. This section is effective August 1, 2024, except subdivision 2 is effective August 1, 2024, or 90 days after federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 38, after line 29, insert:

"Sec. 11. Minnesota Statutes 2022, section 256B.49, is amended by adding a subdivision to read:

Subd. 28a. **Limited exemption from the customized living setting moratorium and age limitations.** (a) For the purposes of this subdivision, "operational" has the meaning given in subdivision 28.

(b) This paragraph applies only to customized living settings enrolled and operational on or before June 30, 2021, and customized living settings that have previously been exempt from the customized living moratorium under this paragraph. A setting for which a provider receives approval from the commissioner of health under section 144G.195, subdivision 1, to relocate a licensed assisted living facility that is also enrolled as a customized living setting to deliver 24-hour customized living services and customized living services as defined by the brain injury and community access for disability inclusion home and community-based services waiver plans and under this section is exempt from the customized living moratorium under subdivision 28.

(c) This paragraph applies only to customized living settings enrolled and operational on or before January 11, 2021, and customized living settings that have previously been deemed a tier 1 customized living setting under this paragraph. A setting for which a provider

3.1 receives approval from the commissioner of health under section 144G.195, subdivision 1,
3.2 to relocate a licensed assisted living facility that is also enrolled as a customized living
3.3 setting to deliver 24-hour customized living services and customized living services as
3.4 defined by the brain injury and community access for disability inclusion home and
3.5 community-based services waiver plans and under this section must be deemed a current
3.6 customized living setting, or tier 1 setting, for the purposes of the application of the home
3.7 and community-based residential tiered standards under Minnesota's Home and
3.8 Community-Based Services Rule Statewide Transition Plan.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2024, or 90 days after federal
3.10 approval, whichever is later. The commissioner of human services shall notify the revisor
3.11 of statutes when federal approval is obtained."

3.12 Renumber the sections in sequence and correct the internal references