

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2055

(SENATE AUTHORS: FATEH)
DATE
03/03/2025

D-PG
608

Introduction and first reading
Referred to Human Services

OFFICIAL STATUS

1.1

A bill for an act

1.2

relating to health; modifying assisted living service termination requirements;

1.3

amending Minnesota Statutes 2024, sections 144G.52, subdivisions 2, 3, 4, 7, 8,

1.4

9, 10; 144G.54, subdivisions 2, 3, 7; 144G.55, subdivision 1.

1.5

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

1.6

Section 1. Minnesota Statutes 2024, section 144G.52, subdivision 2, is amended to read:

1.7

Subd. 2. **Prerequisite to termination of a contract.** (a) Before issuing a notice of

1.8

termination of an assisted living contract, a facility must schedule and participate in a meeting

1.9

with the resident and the resident's legal representative and designated representative. The

1.10

purposes of the meeting are to:

1.11

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

1.12

(2) identify and offer reasonable accommodations or modifications, interventions, or

1.13

alternatives to avoid the termination or enable the resident to remain in the facility, including

1.14

but not limited to securing services from another provider of the resident's choosing that

1.15

may allow the resident to avoid the termination. A facility is not required to offer

1.16

accommodations, modifications, interventions, or alternatives that fundamentally alter the

1.17

nature of the operation of the facility.

1.18

(b) For a termination pursuant to subdivision 3 or 4, the meeting must be scheduled to

1.19

take place at least seven days before a notice of termination is issued. For a termination

1.20

pursuant to subdivision 5, the meeting must be scheduled to take place at least 24 hours

1.21

before a notice of termination is issued. The facility must make reasonable efforts to ensure

1.22

that the resident, legal representative, and designated representative are able to attend the

1.23

meeting.

(c) The facility must notify the resident that the resident may invite family members, relevant health professionals, a representative of the Office of Ombudsman for Long-Term Care, a representative of the Office of Ombudsman for Mental Health and Developmental Disabilities, or other persons of the resident's choosing to participate in the meeting. For residents who receive home and community-based waiver services under chapter 256S and section 256B.49, the facility must notify the resident's case manager of the meeting.

(d) In the event of an emergency relocation under subdivision 9, where the facility intends to issue a notice of termination and an in-person meeting is impractical or impossible, the facility must use telephone, video, or other electronic means to conduct and participate in the meeting required under this subdivision and rules within Minnesota Rules, chapter 4659.

Sec. 2. Minnesota Statutes 2024, section 144G.52, subdivision 3, is amended to read:

Subd. 3. **Termination for nonpayment.** (a) A facility may initiate a termination of housing because of nonpayment of rent or a termination of services because of nonpayment for services. Upon issuance of a notice of termination for nonpayment, the facility must inform the resident that public benefits may be available and must provide contact information for the Senior LinkAge Line under section 256.975, subdivision 7 or for the Disability Hub under section 256.01, subdivision 24.

(b) An interruption to a resident's public benefits that lasts for no more than 60 days does not constitute nonpayment.

Sec. 3. Minnesota Statutes 2024, section 144G.52, subdivision 4, is amended to read:

Subd. 4. **Termination for violation of the assisted living contract.** A facility may initiate a termination of the assisted living contract if the resident violates a lawful provision of the contract and the resident does not cure the violation within a reasonable amount of time after the facility provides written notice of the ability to cure to the resident. Written notice of the ability to cure may be provided: (1) in person or; (2) by first class mail; or (3) if the individual previously consented to receive electronic notifications, by email. A facility is not required to provide a resident with written notice of the ability to cure for a violation that threatens the health or safety of the resident or another individual in the facility, or for a violation that constitutes illegal conduct.

Sec. 4. Minnesota Statutes 2024, section 144G.52, subdivision 7, is amended to read:

Subd. 7. **Notice of contract termination required.** (a) A facility terminating a contract must issue a written notice of termination according to this section. The facility must also

send a copy of the termination notice to the Office of Ombudsman for Long-Term Care and, for residents who receive home and community-based waiver services under chapter 256S and section 256B.49, to the resident's case manager, as soon as practicable after providing notice to the resident. A facility may terminate an assisted living contract only as permitted under subdivisions 3, 4, and 5.

(b) A facility terminating a contract under subdivision 3 or 4 must provide a written termination notice at least 30 days before the effective date of the termination to the resident, legal representative, and designated representative.

(c) A facility terminating a contract under subdivision 5 must provide a written termination notice at least ~~15~~ five days before the effective date of the termination to the resident, legal representative, and designated representative.

(d) If a resident moves out of a facility or cancels services received from the facility, nothing in this section prohibits a facility from enforcing against the resident any notice periods with which the resident must comply under the assisted living contract.

Sec. 5. Minnesota Statutes 2024, section 144G.52, subdivision 8, is amended to read:

Subd. 8. **Content of notice of termination.** (a) The notice required under subdivision 7 must contain, at a minimum:

(1) the effective date of the termination of the assisted living contract;

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

(3) a detailed explanation of the conditions under which a new or amended contract may be executed;

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

(5) a statement that the facility must participate in a coordinated move to another provider or caregiver, as required under section 144G.55;

(6) the name and contact information of the person employed by the facility with whom the resident may discuss the notice of termination;

(7) information on how to contact the Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities to request an advocate to assist regarding the termination;

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

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

(b) Failure to fully comply with the content requirements of this subdivision does not invalidate the notice when the facility used good faith efforts to substantively comply and the noncompliance did not prejudice the parties' receiving the notice.

Sec. 6. Minnesota Statutes 2024, section 144G.52, subdivision 9, is amended to read:

Subd. 9. Emergency relocation. (a) A facility may remove a resident from the facility in an emergency if necessary due to a resident's urgent medical needs or an imminent risk the resident poses to the health or safety of another facility resident or facility staff member. An emergency relocation is not a termination.

(b) In the event of an emergency relocation, the facility must provide a written notice that contains, at a minimum:

(1) the reason for the relocation;

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

(3) contact information for the Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities;

(4) if known and applicable, the approximate date or range of dates within which the resident is expected to return to the facility, or a statement that a return date is not currently known; and

(5) a statement that, if the facility refuses to provide housing or services after a relocation, the resident has the right to appeal under section 144G.54. The facility must provide contact information for the agency to which the resident may submit an appeal.

(c) The notice required under paragraph (b) must be delivered as soon as practicable to:

(1) the resident, legal representative, and designated representative;

(2) for residents who receive home and community-based waiver services under chapter 256S and section 256B.49, the resident's case manager; and

(3) the Office of Ombudsman for Long-Term Care if the resident has been relocated and has not returned to the facility within four days.

(d) Following an emergency relocation, a facility's refusal to provide housing or services constitutes a termination and triggers the termination process in this section.

(e) If a resident is removed by law enforcement, ambulance personnel, or other first responders, the notice required under paragraph (b) may be provided retroactively but in no case no more than 48 hours after the emergency relocation.

Sec. 7. Minnesota Statutes 2024, section 144G.52, subdivision 10, is amended to read:

Subd. 10. **Right to return.** If a resident is absent from a facility for any reason, including an emergency relocation, provided the basis for the emergency relocation has been resolved, the facility shall not refuse to allow a resident to return if a termination of housing has not been effectuated.

Sec. 8. Minnesota Statutes 2024, section 144G.54, subdivision 2, is amended to read:

Subd. 2. **Permissible grounds to appeal termination.** A resident may appeal a termination initiated under section 144G.52, subdivision 3, 4, or 5, on the ground that:

(1) there is a factual dispute as to whether the facility had a permissible basis to initiate the termination;

(2) the termination would result in great harm or the potential for great harm to the resident as determined by the totality of the circumstances, except in circumstances where there is a greater risk of harm to other residents or staff at the facility;

(3) the resident has cured or demonstrated the ability to cure the reasons for the termination, or has identified a reasonable accommodation or modification, intervention, or alternative to the termination; or

(4) notwithstanding section 144G.52, subdivision 8, paragraph (b), the facility has terminated the contract in violation of state or federal law.

Sec. 9. Minnesota Statutes 2024, section 144G.54, subdivision 3, is amended to read:

Subd. 3. **Appeals process.** (a) The Office of Administrative Hearings must conduct an expedited hearing as soon as practicable under this section, but in no event later than 14 calendar days after the office receives the request for an appeal of a termination initiated pursuant to section 144G.52, subdivision 3 or 4, unless the parties agree otherwise or the chief administrative law judge deems the timing to be unreasonable, given the complexity

of the issues presented. For terminations initiated pursuant to section 144G.52, subdivision 5, the Office of Administrative Hearings must conduct an expedited hearing as soon as practicable but in no event later than seven calendar days after the office receives the request.

(b) The hearing must be held at the facility where the resident lives, unless holding the hearing at that location is impractical, the parties agree to hold the hearing at a different location, or the chief administrative law judge grants a party's request to appear at another location or by telephone or interactive video.

(c) The hearing is not a formal contested case proceeding, except when determined necessary by the chief administrative law judge.

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

(e) Parties may provide the administrative law judge relevant evidence in the form of in-person or sworn written testimony, including that of other residents, personal representatives of other residents of the facility, facility staff, or individuals from the Office of Ombudsman for Long-Term Care or the Office of Ombudsman for Mental Health and Developmental Disabilities representing the interests of other residents of the facility.

~~(e)~~ (f) The hearing shall be limited to the amount of time necessary for the participants to expeditiously present the facts about the proposed termination. The administrative law judge shall issue a recommendation to the commissioner as soon as practicable, but in no event later than ten business days after the hearing related to a termination issued under section 144G.52, subdivision 3 or 4, or five business days for a hearing related to a termination issued under section 144G.52, subdivision 5.

Sec. 10. Minnesota Statutes 2024, section 144G.54, subdivision 7, is amended to read:

Subd. 7. **Application of chapter 504B to appeals of terminations.** A resident may not bring an action under chapter 504B to challenge a termination that has occurred and been upheld under this section, and a facility is entitled to a writ of recovery and order to vacate pursuant to section 504B.361.

Sec. 11. Minnesota Statutes 2024, section 144G.55, subdivision 1, is amended to read:

Subdivision 1. **Duties of facility.** (a) If a facility terminates an assisted living contract, reduces services to the extent that a resident needs to move or obtain a new service provider or the facility has its license restricted under section 144G.20, or the facility conducts a planned closure under section 144G.57, the facility:

(1) must ensure, subject to paragraph (c), a coordinated move to a safe location that is appropriate for the resident and that is identified by the facility prior to any hearing under section 144G.54;

(2) must ensure a coordinated move of the resident to an appropriate service provider identified by the facility prior to any hearing under section 144G.54, provided services are still needed and desired by the resident; and

(3) must consult and cooperate with the resident, legal representative, designated representative, case manager for a resident who receives home and community-based waiver services under chapter 256S and section 256B.49, relevant health professionals, and any other persons of the resident's choosing to make arrangements to move the resident, including consideration of the resident's goals.

(b) A facility may satisfy the requirements of paragraph (a), clauses (1) and (2), by moving the resident to a different location within the same facility, if appropriate for the resident.

(c) A resident may decline to move to the location the facility identifies or to accept services from a service provider the facility identifies, and may choose instead to move to a location of the resident's choosing or receive services from a service provider of the resident's choosing within the timeline prescribed in the termination notice.

(d) A facility has met its obligations under this section if, following a termination completed in accordance with section 155G.52, the facility identifies at least two other facilities able to accept the individual and the individual refuses all options presented to them or their designated representative over the course of a 30-day period.

~~(d)~~ (e) Sixty days before the facility plans to reduce or eliminate one or more services for a particular resident, the facility must provide written notice of the reduction that includes:

(1) a detailed explanation of the reasons for the reduction and the date of the reduction;

(2) the contact information for the Office of Ombudsman for Long-Term Care, the Office of Ombudsman for Mental Health and Developmental Disabilities, and the name and contact information of the person employed by the facility with whom the resident may discuss the reduction of services;

(3) a statement that if the services being reduced are still needed by the resident, the resident may remain in the facility and seek services from another provider; and

8.1 (4) a statement that if the reduction makes the resident need to move, the facility must
8.2 participate in a coordinated move of the resident to another provider or caregiver, as required
8.3 under this section.

8.4 ~~(e)~~ (f) In the event of an unanticipated reduction in services caused by extraordinary
8.5 circumstances, the facility must provide the notice required under paragraph ~~(d)~~ (e) as soon
8.6 as possible.

8.7 ~~(f)~~ (g) If the facility, a resident, a legal representative, or a designated representative
8.8 determines that a reduction in services will make a resident need to move to a new location,
8.9 the facility must ensure a coordinated move in accordance with this section, and must provide
8.10 notice to the Office of Ombudsman for Long-Term Care.

8.11 ~~(g)~~ (h) Nothing in this section affects a resident's right to remain in the facility and seek
8.12 services from another provider.