



March 17, 2025

To: Chair Hoffman and Members of the Human Services Committee

From: Alzheimer's Association, MN/ND Chapter, AARP Minnesota, Mid-MN Legal Aid, Minnesota Elder Justice Center, Office of Ombudsman for Long-Term Care, Office of Ombudsman for Mental Health and Developmental Disabilities

Re: Opposition for Senator Fateh's bill SF 2055

Chair Hoffman and Members of the Committee:

The undersigned organizations write to express serious concerns with SF 2055, a bill that would significantly erode the vital consumer protections for residents of assisted living facilities – many of whom have mental health diagnoses, disabilities or suffer from dementia – that were established overwhelmingly by this Legislature in the 2019 Eldercare and Vulnerable Adult Protection Act. We urge you to tread extremely carefully in making any changes to this law.

It must be remembered that the clarion call for protections against arbitrary and unsafe discharges and the establishment of important due process rights was precipitated by the shocking and horrific stories of harm due to the lack of these protections that were revealed in the Star Tribune's explosive exposé *Left to Suffer*. The worrisome amendments proposed in SF 2055 are to a law that the industry, the Department of Health, and the consumer advocates worked together to craft, with careful attention and balance to address the significant problems identified in the Star Tribune and others. As the Senate author of the bill – Senator Karin Housley – said at the time, "This is about our commitment to elderly and vulnerable Minnesotans – and sending a message that no senior will be ignored in our state."

This law is working. Because of the early intervention under the pre-termination meeting provisions of the law, many terminations are avoided or, if they are necessary, transition to a new location is handled in a manner that significantly reduces transfer trauma. Only a small portion of appeals proceed to adjudication because the process – as it was intended – results in settlements that, again, avoid termination or lead to safe handoffs. Assisted living facilities in Minnesota have the capacity to serve approximately 64,000 residents, and, in 2024, only 70 appeals were filed with the Minnesota Department of Health. Of those, only seven appeals had a hearing. In those cases, an Administrative Law Judge agreed with the resident that the termination notice should be rescinded in four cases and alternatively agreed with the provider that the contract

termination should proceed in three cases. SF 2055's changes would upset a system that is working for residents and working for the residents for whom it was meant to protect.

That said, we are aware of a very small number of challenging situations with smaller facilities that have surfaced. We stand ready to work with these facilities to make modifications to the statute to address the issues without compromising protections for all other vulnerable residents of all assisted living facilities across the state.

Thank you for your consideration of our deep concerns about SF 2055.

AARP Minnesota

Alzheimer's Association, MN/ND Chapter

Mid-MN Legal Aid

Minnesota Elder Justice Center

Office of Ombudsman for Long-Term Care

Office of Ombudsman for Mental Health and Developmental Disabilities