

March 17, 2025

Senator John Hoffman, Chair
Senate Human Services Committee
Minnesota Senate Bldg., Room 2111
95 University Avenue W.
St. Paul, MN 55155

RE: Modifications to Assisted Living Resident Termination Processes

Dear Chair Hoffman and committee members,

We write to you in support of S.F. 2055 (Fateh) which seeks to provide clarification, expediency, and balance to the process by which assisted living facilities terminate their relationship with individuals they are no longer able to safely serve in their facilities. The legislation before the committee today is a work in progress, but it builds off nearly two years of conversations between provider associations, consumer advocates, and government entities. Unfortunately, those conversations have not resulted in any meaningful modifications to date.

By way of background, in 2019 the Minnesota Legislature passed a new, comprehensive licensing statute for assisted living facilities (Chapter 144G) and that law went into effect in 2021. As part of that process, the legislature established a statutory process for terminating an assisted living contract that includes a pre-termination meeting, a termination notice, an extended appeal window, an administrative law review process, and provider obligations for coordinating a resident's relocation. This process can take months to complete and frequently facilities find their terminations overturned for minor process or technical errors.

The current system was designed with older Minnesotans with increasing health care needs in mind and simply does not account for the high behavioral health acuity of many assisted living residents, particularly those on the Community Access for Disability Inclusion (CADI) and Brain Injury (BI) waivers who are frequently served in smaller facilities (including single family homes for 4-5 people). In those instances, one resident with acute and/or unmanaged mental health needs or violent outbursts can put the safety and wellbeing of the other residents and staff at risk. It is also not financially viable or operationally feasible for mid or larger sized communities to keep units unfilled for the sake of others' safety. Unfortunately, the current law is such that an assisted living facility has limited tools available to protect their staff and other residents while attempt to transfer a resident to a more appropriate setting.

As such, S.F. 2055 would modify the assisted living statute to:

- Clarify a facility's ability to issue a notice of non-renewal, subject to statutory timeliness, outside of the termination process;

- Shorten the timeline for a “pre-termination meeting” for expedited terminations from seven days to 24-hours to allow for facilities to respond to verbal and physical violence;
- Shorten the effective timeline (including appeal window) for an expedited termination from 15 days to seven in recognition of the potential for further injury to other residents and staff;
- Reduce the frequency of terminations appeals being upheld simply for imperfect notice processes, particularly when violence or other harm may exist;
- Clarify what constitutes an emergency relocation and provides for a retroactive provision of required notices in light of time sensitivity of the emergency;
- Provide some exceptions to a resident’s right to return when they are subject to criminal charges or orders for protection based on actions taken against other residents or facility staff;
- Requires residents to provide the facility with a copy of their appeal and state the grounds under which they’re appealing;
- Shorten the timeline for a hearing on an expedited appeal and ensures that the appeal takes into account the experiences of other residents and employees;
- Clarifies when an appeal of a termination is upheld, the facility is entitled to a writ of recovery;
- Put limitations on a resident’s ability refuse all alternative placement options following a valid termination.

Simply put, Minnesota does not have the number of residential mental health facilities required to meet the needs of the community and, absent those facilities, many people are receiving services in assisted living facilities and those facilities are struggling to manage their acute needs. These changes would allow facilities to be more responsive to dangerous situations and better protect their other residents and staff while also avoiding the utilization of jails and hospitals.

The Residential Providers Association of Minnesota and the Long-Term Care Imperative are committed to continuing to work with legislators and stakeholders to find solutions to these issues and appreciates the committee’s time and attention.

Sincerely,

Residential Providers Association of Minnesota

The Long-Term Care Imperative

