



April 1, 2025

The Honorable John A. Hoffman  
Chair, Human Services Committee  
Minnesota Senate  
2111 Minnesota Senate Bldg.  
St. Paul, MN 55155

The Honorable Jordan Rasmusson  
Ranking Minority Member, Human Services Committee  
Minnesota Senate  
2409 Minnesota Senate Bldg.  
St. Paul, MN 55155

**Legal Aid/Minnesota Disability Law Center Letter Regarding SF 2443**

Dear Chair Hoffman, Ranking Minority Member Rasmusson, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center (MDLC) thank you for the opportunity to provide written testimony regarding the DE amendment to SF 2443.

- Article 1, Section 2 (lines 1.21-1.25), and Article 2, Sections 12 & 27 (lines 32.20-32.24 & 39.26-39.30): We support the **prohibition of a guardian or conservator as an admission criterion to a nursing home, assisted living, or group home.** Many people with disabilities are capable of managing their own affairs and requiring them to have a guardian as a condition of admission is restrictive and unnecessary.
- Article 1, Section 10 (lines 5.23-7.11): We support the **increase of home care nursing hours that may be provided by a service recipient's family members or legal guardian under the hardship allowance.** This will help ensure that hours of care are met during Minnesota's staffing crisis.

- Article 1, Section 12 (line 8.11-9.12): We support the change to **allow waiver participants to have the option for abbreviated reassessments**. MnCHOICES reassessments are time-consuming, can feel intrusive for participants, and have a significant financial burden on counties. Many waiver participants have permanent conditions where their needs do not change year-to-year. Therefore, they do not need a detailed reassessment. If a person's needs change, the section allows a participant or their legal representative to request a full, in-person assessment. This change will lessen the burden for both service participants and counties, improving the overall disability service system in Minnesota.
- Article 1, Section 13 (lines 9.13-11.29): We support the **addition of informed decision-making curriculum and annual competency evaluations for case managers** by the Department of Human Services. Informed decision making is essential for people with disabilities to live in the most integrated setting appropriate to their needs. Many case managers lack the necessary training on this important topic, and this requirement will help ensure that people who receive supports and services retain as much control over their lives as possible.
- Article 2, Section 7 (lines 29.5-30.7): We support the **requirement for hospitals to document the use of restraint in discharge plans**. This will help with continuity of care by ensuring that the receiving provider is aware of the client's current behaviors as well as the trauma that the client may have endured after being subject to restraint.
- Article 2, Sections 9-11, 37, and 38 (lines 31.19-32.19 & 47.1-47.27): We appreciate the **addition of retaliation language** for assisted living facility and nursing home residents. Too often, our clients face discharge and retaliation when they lodge credible complaints regarding problems with services. These sections bar retaliation and provide for remedies, such as bringing actions in district court. It also requires training on the prohibition of retaliation by all nursing home staff.
- Article 2, Section 28 (lines 40.2-40.16): We support the **prohibition on mandatory arbitration for assisted living residents**.
- Article 2, Sections 29 & 30 (lines 40.17-41.31): We support the protections that ensure that **residents of assisted living facilities are faced with termination or because they choose to pay for their services with public rather than private funds**.
- Article 2, Sections 31 & 36 (lines 42.1-42.24 & 45.7-46.31): We support the **training requirements and the guidelines regarding the use of restraints in assisted living facilities**. It is well established that the use of restraints is dangerous for both staff and residents. Emergency manual restraint should be used solely as a last resort in cases where there is an imminent risk of physical harm. Prone restraint should never be used given its potential deadly consequences. The use of restraints is clearly regulated in other settings, such as group homes and nursing homes; however, Minnesota Chapter 144G currently lacks the

necessary details governing its use in assisted living facilities. This language provides important guidance for assisted living staff and protects the wellbeing of assisted living residents.

Thank you for the opportunity to submit written testimony regarding the DE amendment for SF 2443.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Purrington', written in a cursive style.

Jennifer Purrington  
Legal Director/Deputy Director  
Minnesota Disability Law Center

A handwritten signature in black ink, appearing to read 'Ellen Smart', written in a cursive style.

Ellen Smart  
Staff Attorney  
Legal Services Advocacy Project

This document has been formatted for accessibility. Please call Ellen Smart at 612/746-3761 if you need this document in an alternative format.