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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1953

03/04/2021 Authored by Schultz
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying provisions governing housing with services
1.3 establishments and assisted living facilities; amending Minnesota Statutes 2020,
1.4 sections 144D.01, subdivision 4; 144D.065; 144G.08, subdivision 7, as amended;
1.5 Laws 2019, chapter 60, article 1, section 48.

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

1.7 Section 1. Minnesota Statutes 2020, section 144D.01, subdivision 4, is amended to read:

1.8 Subd. 4. Housing with services establishment or establishment. (a) "Housing with
1.9 services establishment" or "establishment" means an establishment that:

1.10 (1) ~~an establishment providing~~ provides sleeping accommodations to one or more adult
1.11 residents, at least 80 percent of which are 55 years of age or older, ~~and offering or providing;~~

1.12 (2) for a fee, offers or provides one or more regularly scheduled health-related services
1.13 or two or more regularly scheduled supportive services, whether offered or provided directly
1.14 by the establishment or by another entity arranged for by the establishment; ~~or~~ and

1.15 (2) ~~an establishment that registers under section 144D.025.~~

1.16 (b) ~~Housing with services establishment does not include:~~

1.17 (1) ~~a nursing home licensed under chapter 144A;~~

1.18 (2) ~~a hospital, certified boarding care home, or supervised living facility licensed under~~
1.19 ~~sections 144.50 to 144.56;~~

1.20 (3) ~~a board and lodging establishment licensed under chapter 157 and Minnesota Rules,~~
1.21 ~~parts 9520.0500 to 9520.0670, or under chapter 245D or 245G;~~

2.1 ~~(4) a board and lodging establishment which serves as a shelter for battered women or~~
 2.2 ~~other similar purpose;~~

2.3 ~~(5) a family adult foster care home licensed by the Department of Human Services;~~

2.4 ~~(6) private homes in which the residents are related by kinship, law, or affinity with the~~
 2.5 ~~providers of services;~~

2.6 ~~(7) residential settings for persons with developmental disabilities in which the services~~
 2.7 ~~are licensed under chapter 245D;~~

2.8 ~~(8) a home-sharing arrangement such as when an elderly or disabled person or~~
 2.9 ~~single-parent family makes lodging in a private residence available to another person in~~
 2.10 ~~exchange for services or rent, or both;~~

2.11 ~~(9) a duly organized condominium, cooperative, common interest community, or owners'~~
 2.12 ~~association of the foregoing where at least 80 percent of the units that comprise the~~
 2.13 ~~condominium, cooperative, or common interest community are occupied by individuals~~
 2.14 ~~who are the owners, members, or shareholders of the units;~~

2.15 ~~(10) services for persons with developmental disabilities that are provided under a license~~
 2.16 ~~under chapter 245D; or~~

2.17 ~~(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.~~

2.18 (3) is:

2.19 (i) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
 2.20 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
 2.21 units financed by the Minnesota Housing Finance Agency that are intended to serve
 2.22 individuals with disabilities or individuals who are homeless, except for those developments
 2.23 that market or hold themselves out as assisted living facilities and provide assisted living
 2.24 services;

2.25 (ii) rental housing developed under United States Code, title 42, section 1437, or United
 2.26 States Code, title 12, section 1701q;

2.27 (iii) rental housing designated for occupancy by only elderly or elderly and disabled
 2.28 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
 2.29 families under Code of Federal Regulations, title 24, section 983.56; or

2.30 (iv) rental housing funded under United States Code, title 42, chapter 89, or United
 2.31 States Code, title 42, section 8011.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.1 Sec. 2. Minnesota Statutes 2020, section 144D.065, is amended to read:

3.2 **144D.065 TRAINING IN DEMENTIA CARE REQUIRED.**

3.3 (a) If a housing with services establishment registered under this chapter has a special
3.4 program or special care unit for residents with Alzheimer's disease or other dementias or
3.5 advertises, markets, or otherwise promotes the establishment as providing services for
3.6 persons with Alzheimer's disease or other dementias, whether in a segregated or general
3.7 unit, employees of the establishment and of the establishment's arranged home care provider
3.8 must meet the following training requirements:

3.9 (1) supervisors of direct-care staff must have at least eight hours of initial training on
3.10 topics specified under paragraph (b) within 120 working hours of the employment start
3.11 date, and must have at least two hours of training on topics related to dementia care for each
3.12 12 months of employment thereafter;

3.13 (2) direct-care employees must have completed at least eight hours of initial training on
3.14 topics specified under paragraph (b) within 160 working hours of the employment start
3.15 date. Until this initial training is complete, an employee must not provide direct care unless
3.16 there is another employee on site who has completed the initial eight hours of training on
3.17 topics related to dementia care and who can act as a resource and assist if issues arise. A
3.18 trainer of the requirements under paragraph (b), or a supervisor meeting the requirements
3.19 in clause (1), must be available for consultation with the new employee until the training
3.20 requirement is complete. Direct-care employees must have at least two hours of training on
3.21 topics related to dementia for each 12 months of employment thereafter;

3.22 (3) staff who do not provide direct care, including maintenance, housekeeping, and food
3.23 service staff, must have at least four hours of initial training on topics specified under
3.24 paragraph (b) within 160 working hours of the employment start date, and must have at
3.25 least two hours of training on topics related to dementia care for each 12 months of
3.26 employment thereafter; and

3.27 (4) new employees may satisfy the initial training requirements by producing written
3.28 proof of previously completed required training within the past 18 months.

3.29 (b) Areas of required training include:

3.30 (1) an explanation of Alzheimer's disease and related disorders;

3.31 (2) assistance with activities of daily living;

3.32 (3) problem solving with challenging behaviors; and

4.1 (4) communication skills.

4.2 (c) The establishment shall provide to consumers in written or electronic form a
 4.3 description of the training program, the categories of employees trained, the frequency of
 4.4 training, and the basic topics covered. This information satisfies the disclosure requirements
 4.5 of section 325F.72, subdivision 2, clause (4).

4.6 ~~(d) Housing with services establishments not included in paragraph (a) that provide~~
 4.7 ~~assisted living services under chapter 144G must meet the following training requirements:~~

4.8 ~~(1) supervisors of direct care staff must have at least four hours of initial training on~~
 4.9 ~~topics specified under paragraph (b) within 120 working hours of the employment start~~
 4.10 ~~date, and must have at least two hours of training on topics related to dementia care for each~~
 4.11 ~~12 months of employment thereafter;~~

4.12 ~~(2) direct care employees must have completed at least four hours of initial training on~~
 4.13 ~~topics specified under paragraph (b) within 160 working hours of the employment start~~
 4.14 ~~date. Until this initial training is complete, an employee must not provide direct care unless~~
 4.15 ~~there is another employee on site who has completed the initial four hours of training on~~
 4.16 ~~topics related to dementia care and who can act as a resource and assist if issues arise. A~~
 4.17 ~~trainer of the requirements under paragraph (b) or supervisor meeting the requirements~~
 4.18 ~~under paragraph (a), clause (1), must be available for consultation with the new employee~~
 4.19 ~~until the training requirement is complete. Direct care employees must have at least two~~
 4.20 ~~hours of training on topics related to dementia for each 12 months of employment thereafter;~~

4.21 ~~(3) staff who do not provide direct care, including maintenance, housekeeping, and food~~
 4.22 ~~service staff, must have at least four hours of initial training on topics specified under~~
 4.23 ~~paragraph (b) within 160 working hours of the employment start date, and must have at~~
 4.24 ~~least two hours of training on topics related to dementia care for each 12 months of~~
 4.25 ~~employment thereafter; and~~

4.26 ~~(4) new employees may satisfy the initial training requirements by producing written~~
 4.27 ~~proof of previously completed required training within the past 18 months.~~

4.28 **EFFECTIVE DATE.** This section is effective August 1, 2021.

4.29 Sec. 3. Minnesota Statutes 2020, section 144G.08, subdivision 7, as amended by Laws
 4.30 2020, Seventh Special Session chapter 1, article 6, section 5, is amended to read:

4.31 Subd. 7. **Assisted living facility.** "Assisted living facility" means a facility that an
 4.32 establishment where an operating person or legal entity, either directly or through contract,
 4.33 business relationship, common ownership, or other arrangement with another person or

5.1 entity, provides sleeping accommodations and assisted living services to one or more adults
5.2 in the facility. Assisted living facility includes assisted living facility with dementia care,
5.3 and does not include:

5.4 (1) emergency shelter, transitional housing, or any other residential units serving
5.5 exclusively or primarily homeless individuals, as defined under section 116L.361;

5.6 (2) a nursing home licensed under chapter 144A;

5.7 (3) a hospital, certified boarding care, or supervised living facility licensed under sections
5.8 144.50 to 144.56;

5.9 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
5.10 9520.0500 to 9520.0670, or under chapter 245D or 245G;

5.11 (5) services and residential settings licensed under chapter 245A, including adult foster
5.12 care and services and settings governed under the standards in chapter 245D;

5.13 (6) a private home in which the residents are related by kinship, law, or affinity with the
5.14 provider of services;

5.15 (7) a duly organized condominium, cooperative, and common interest community, or
5.16 owners' association of the condominium, cooperative, and common interest community
5.17 where at least 80 percent of the units that comprise the condominium, cooperative, or
5.18 common interest community are occupied by individuals who are the owners, members, or
5.19 shareholders of the units;

5.20 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

5.21 (9) a setting offering services conducted by and for the adherents of any recognized
5.22 church or religious denomination for its members exclusively through spiritual means or
5.23 by prayer for healing;

5.24 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
5.25 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
5.26 units financed by the Minnesota Housing Finance Agency that are intended to serve
5.27 individuals with disabilities or individuals who are homeless, except for those developments
5.28 that market or hold themselves out as assisted living facilities and provide assisted living
5.29 services;

5.30 (11) rental housing developed under United States Code, title 42, section 1437, or United
5.31 States Code, title 12, section 1701q;

6.1 (12) rental housing designated for occupancy by only elderly or elderly and disabled
6.2 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
6.3 families under Code of Federal Regulations, title 24, section 983.56;

6.4 (13) rental housing funded under United States Code, title 42, chapter 89, or United
6.5 States Code, title 42, section 8011;

6.6 (14) ~~a covered setting as defined in section 325F.721, subdivision 1, paragraph (b) a~~
6.7 housing with services establishment as defined in section 144D.01, subdivision 4; or

6.8 (15) any establishment that exclusively or primarily serves as a shelter or temporary
6.9 shelter for victims of domestic or any other form of violence.

6.10 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.11 Sec. 4. Laws 2019, chapter 60, article 1, section 48, is amended to read:

6.12 Sec. 48. **REPEALER.**

6.13 Minnesota Statutes 2018, sections ~~144D.01; 144D.015; 144D.02; 144D.025; 144D.03,~~
6.14 subdivision 1a; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07;
6.15 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04; 144G.05;
6.16 and 144G.06, are repealed effective August 1, 2021.

6.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.