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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3614

03/24/2016 Authored by Thissen

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; removing obsolete references to classes of home care licensure
1.3 and repealed home care licensure rules; amending Minnesota Statutes 2014,
1.4 sections 144D.01, subdivision 2a; 144G.03, subdivisions 2, 4.

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

1.6 Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 2a, is amended to
1.7 read:

1.8 Subd. 2a. **Arranged home care provider.** "Arranged home care provider" means
1.9 a home care provider licensed under ~~Minnesota Rules, chapter 4668~~, chapter 144A that
1.10 provides services to some or all of the residents of a housing with services establishment
1.11 and that is either the establishment itself or another entity with which the establishment
1.12 has an arrangement.

1.13 Sec. 2. Minnesota Statutes 2014, section 144G.03, subdivision 2, is amended to read:

1.14 Subd. 2. **Minimum requirements for assisted living.** (a) Assisted living shall
1.15 be provided or made available only to individuals residing in a registered housing with
1.16 services establishment. Except as expressly stated in this chapter, a person or entity
1.17 offering assisted living may define the available services and may offer assisted living to
1.18 all or some of the residents of a housing with services establishment. The services that
1.19 comprise assisted living may be provided or made available directly by a housing with
1.20 services establishment or by persons or entities with which the housing with services
1.21 establishment has made arrangements.

1.22 (b) A person or entity entitled to use the phrase "assisted living," according to
1.23 section 144G.02, subdivision 1, shall do so only with respect to a housing with services

establishment, or a service, service package, or program available within a housing with services establishment that, at a minimum:

(1) provides or makes available health-related services under a ~~class A or class F~~ home care license. At a minimum, health-related services must include:

(i) ~~assistance with self-administration of medication as defined in Minnesota Rules, part 4668.0003, subpart 2a,~~ management or medication administration as defined in ~~Minnesota Rules, part 4668.0003, subpart 21a~~ in section 144A.43; and

(ii) assistance with at least three of the following seven activities of daily living: bathing, dressing, grooming, eating, transferring, continence care, and toileting.

All health-related services shall be provided in a manner that complies with applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(2) provides necessary assessments of the physical and cognitive needs of assisted living clients by a registered nurse, as required by applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(3) has and maintains a system for delegation of health care activities to unlicensed ~~assistive health care~~ personnel by a registered nurse, including supervision and evaluation of the delegated activities as required by applicable home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

(4) provides staff access to an on-call registered nurse 24 hours per day, seven days per week;

(5) has and maintains a system to check on each assisted living client at least daily;

(6) provides a means for assisted living clients to request assistance for health and safety needs 24 hours per day, seven days per week, from the establishment or a person or entity with which the establishment has made arrangements;

(7) has a person or persons available 24 hours per day, seven days per week, who is responsible for responding to the requests of assisted living clients for assistance with health or safety needs, who shall be:

(i) awake;

(ii) located in the same building, in an attached building, or on a contiguous campus with the housing with services establishment in order to respond within a reasonable amount of time;

(iii) capable of communicating with assisted living clients;

(iv) capable of recognizing the need for assistance;

(v) capable of providing either the assistance required or summoning the appropriate assistance; and

(vi) capable of following directions;

(8) offers to provide or make available at least the following supportive services to assisted living clients:

(i) two meals per day;

(ii) weekly housekeeping;

(iii) weekly laundry service;

(iv) upon the request of the client, reasonable assistance with arranging for transportation to medical and social services appointments, and the name of or other identifying information about the person or persons responsible for providing this assistance;

(v) upon the request of the client, reasonable assistance with accessing community resources and social services available in the community, and the name of or other identifying information about the person or persons responsible for providing this assistance; and

(vi) periodic opportunities for socialization; and

(9) makes available to all prospective and current assisted living clients information consistent with the uniform format and the required components adopted by the commissioner under section 144G.06. This information must be made available beginning no later than six months after the commissioner makes the uniform format and required components available to providers according to section 144G.06.

Sec. 3. Minnesota Statutes 2014, section 144G.03, subdivision 4, is amended to read:

Subd. 4. **Nursing assessment.** (a) A housing with services establishment offering or providing assisted living shall:

(1) offer to have the arranged home care provider conduct a nursing assessment by a registered nurse of the physical and cognitive needs of the prospective resident and propose a ~~service agreement~~ or service plan prior to the date on which a prospective resident executes a contract with a housing with services establishment or the date on which a prospective resident moves in, whichever is earlier; and

(2) inform the prospective resident of the availability of and contact information for long-term care consultation services under section 256B.0911, prior to the date on which a prospective resident executes a contract with a housing with services establishment or the date on which a prospective resident moves in, whichever is earlier.

4.1 (b) An arranged home care provider is not obligated to conduct a nursing assessment
4.2 by a registered nurse when requested by a prospective resident if either the geographic
4.3 distance between the prospective resident and the provider, or urgent or unexpected
4.4 circumstances, do not permit the assessment to be conducted prior to the date on which
4.5 the prospective resident executes a contract or moves in, whichever is earlier. When such
4.6 circumstances occur, the arranged home care provider shall offer to conduct a telephone
4.7 conference whenever reasonably possible.

4.8 (c) The arranged home care provider shall comply with applicable home care
4.9 licensure requirements in chapter 144A, and sections 148.171 to 148.285, and Minnesota
4.10 Rules, ~~chapter 4668~~, with respect to the provision of a nursing assessment prior to the
4.11 delivery of nursing services and the execution of a home care service plan or service
4.12 agreement.