

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1704

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DATE	D-PG	OFFICIAL STATUS
02/02/2012	3710	Introduction and first reading Referred to Health and Human Services
03/19/2012	4531a	Comm report: To pass as amended and re-refer to Finance See SF2093, Art. 4, Sec. 12, 17-18 See HF2294, Art. 4, Sec. 14, 21-22

A bill for an act
relating to human services; modifying the long-term care consultation
requirements for prospective housing with services residents; amending
Minnesota Statutes 2010, sections 256.975, subdivision 7; 256B.0911, by
adding a subdivision; Minnesota Statutes 2011 Supplement, section 256B.0911,
subdivision 3c.

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

Section 1. Minnesota Statutes 2010, section 256.975, subdivision 7, is amended to read:

Subd. 7. **Consumer information and assistance and long-term care options
counseling; Senior LinkAge Line.** (a) The Minnesota Board on Aging shall operate a
statewide service to aid older Minnesotans and their families in making informed choices
about long-term care options and health care benefits. Language services to persons with
limited English language skills may be made available. The service, known as Senior
LinkAge Line, must be available during business hours through a statewide toll-free
number and must also be available through the Internet.

(b) The service must provide long-term care options counseling by assisting older
adults, caregivers, and providers in accessing information and options counseling about
choices in long-term care services that are purchased through private providers or available
through public options. The service must:

- (1) develop a comprehensive database that includes detailed listings in both
consumer- and provider-oriented formats;
- (2) make the database accessible on the Internet and through other telecommunication
and media-related tools;
- (3) link callers to interactive long-term care screening tools and make these tools
available through the Internet by integrating the tools with the database;

(4) develop community education materials with a focus on planning for long-term care and evaluating independent living, housing, and service options;

(5) conduct an outreach campaign to assist older adults and their caregivers in finding information on the Internet and through other means of communication;

(6) implement a messaging system for overflow callers and respond to these callers by the next business day;

(7) link callers with county human services and other providers to receive more in-depth assistance and consultation related to long-term care options;

(8) link callers with quality profiles for nursing facilities and other providers developed by the commissioner of health;

(9) incorporate information about the availability of housing options, as well as registered housing with services and consumer rights within the MinnesotaHelp.info network long-term care database to facilitate consumer comparison of services and costs among housing with services establishments and with other in-home services and to support financial self-sufficiency as long as possible. Housing with services establishments and their arranged home care providers shall provide information that will facilitate price comparisons, including delineation of charges for rent and for services available. The commissioners of health and human services shall align the data elements required by section 144G.06, the Uniform Consumer Information Guide, and this section to provide consumers standardized information and ease of comparison of long-term care options. The commissioner of human services shall provide the data to the Minnesota Board on Aging for inclusion in the MinnesotaHelp.info network long-term care database;

(10) provide long-term care options counseling. Long-term care options counselors shall:

(i) for individuals not eligible for case management under a public program or public funding source, provide interactive decision support under which consumers, family members, or other helpers are supported in their deliberations to determine appropriate long-term care choices in the context of the consumer's needs, preferences, values, and individual circumstances, including implementing a community support plan;

(ii) provide Web-based educational information and collateral written materials to familiarize consumers, family members, or other helpers with the long-term care basics, issues to be considered, and the range of options available in the community;

(iii) provide long-term care futures planning, which means providing assistance to individuals who anticipate having long-term care needs to develop a plan for the more distant future; and

(iv) provide expertise in benefits and financing options for long-term care, including Medicare, long-term care insurance, tax or employer-based incentives, reverse mortgages, private pay options, and ways to access low or no-cost services or benefits through volunteer-based or charitable programs; ~~and~~

(11) using risk management and support planning protocols, provide long-term care options counseling to current residents of nursing homes deemed appropriate for discharge by the commissioner. In order to meet this requirement, the commissioner shall provide designated Senior LinkAge Line contact centers with a list of nursing home residents appropriate for discharge planning via a secure Web portal. Senior LinkAge Line shall provide these residents, if they indicate a preference to receive long-term care options counseling, with initial assessment, review of risk factors, independent living support consultation, or referral to:

(i) long-term care consultation services under section 256B.0911;

(ii) designated care coordinators of contracted entities under section 256B.035 for persons who are enrolled in a managed care plan; or

(iii) the long-term care consultation team for those who are appropriate for relocation service coordination due to high-risk factors or psychological or physical disability; and

(12) develop referral protocols and processes that will assist certified health care homes and hospitals to identify at-risk older adults and determine when to refer these individuals to the Senior LinkAge Line for long-term care options counseling under this section. The commissioner is directed to work with the commissioner of health to develop protocols that would comply with the health care home designation criteria and protocols available at the time of hospital discharge.

Sec. 2. Minnesota Statutes 2011 Supplement, section 256B.0911, subdivision 3c, is amended to read:

Subd. 3c. **Consultation for housing with services.** (a) The purpose of long-term care consultation for registered housing with services is to support persons with current or anticipated long-term care needs in making informed choices among options that include the most cost-effective and least restrictive settings. Prospective residents maintain the right to choose housing with services or assisted living if that option is their preference.

(b) Registered housing with services establishments shall inform all prospective residents or the prospective resident's designated or legal representative of the availability of long-term care consultation and the need to receive and verify the consultation prior to signing a lease or contract requirement for long-term care options counseling and the opportunity to decline long-term care options counseling. Prospective residents declining

long-term care options counseling are required to sign a waiver form designated by the commissioner and supplied by the provider. The housing with services establishment shall maintain copies of signed waiver forms or verification that the consultation was conducted for audit for a period of three years. Long-term care consultation for registered housing with services is provided as determined by the commissioner of human services. The service is delivered under a partnership between lead agencies as defined in subdivision 1a, paragraph (d), and the Area Agencies on Aging, and is a point of entry to a combination of telephone-based long-term care options counseling provided by Senior LinkAge Line and in-person long-term care consultation provided by lead agencies. The point of entry service must be provided within five working days of the request of the prospective resident as follows:

(1) the consultation shall be conducted with the prospective resident, or in the alternative, the resident's designated or legal representative, if:

(i) the resident verbally requests; or

(ii) the registered housing with services provider has documentation of the designated or legal representative's authority to enter into a lease or contract on behalf of the prospective resident and accepts the documentation in good faith;

(2) the consultation shall be performed in a manner that provides objective and complete information;

~~(2)~~ (3) the consultation must include a review of the prospective resident's reasons for considering housing with services, the prospective resident's personal goals, a discussion of the prospective resident's immediate and projected long-term care needs, and alternative community services or housing with services settings that may meet the prospective resident's needs;

~~(3)~~ (4) the prospective resident shall be informed of the availability of a face-to-face visit at no charge to the prospective resident to assist the prospective resident in assessment and planning to meet the prospective resident's long-term care needs; and

~~(4)~~ (5) verification of counseling shall be generated and provided to the prospective resident by Senior LinkAge Line upon completion of the telephone-based counseling.

(c) Housing with services establishments registered under chapter 144D shall:

(1) inform all prospective residents or the prospective resident's designated or legal representative of the availability of and contact information for consultation services under this subdivision;

(2) ~~except for individuals seeking lease-only arrangements in subsidized housing settings,~~ receive a copy of the verification of counseling prior to executing a lease or

5.1 service contract with the prospective resident, and prior to executing a service contract
5.2 with individuals who have previously entered into lease-only arrangements; and
5.3 (3) retain a copy of the verification of counseling as part of the resident's file.

5.4 Sec. 3. Minnesota Statutes 2010, section 256B.0911, is amended by adding a
5.5 subdivision to read:

5.6 Subd. 3d. **Exemptions.** Individuals shall be exempt from the requirements outlined
5.7 in subdivision 3c in the following circumstances:

5.8 (1) the individual is seeking a lease-only arrangement in a subsidized housing
5.9 setting; or

5.10 (2) the individual has previously received a long-term care consultation assessment
5.11 under this section. In this instance, the assessor who completes the long-term care
5.12 consultation will issue a verification code and provide it to the individual.