

## CHAPTER 9546

### DEPARTMENT OF HUMAN SERVICES

### RELOCATION OF RESIDENTS

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LONG-TERM CARE FACILITIES

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#### RELOCATION OF RESIDENTS FROM LONG-TERM CARE FACILITIES

##### 9546.0010 APPLICABILITY.

Parts 9546.0010 to 9546.0060 govern the services that local agencies are required to provide for the benefit of residents of facilities when there are relocations. Parts 9546.0010 to 9546.0060 must be read in conjunction with part 4655.6810 for information regarding the relocation responsibilities of facilities.

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** 9 SR 2701

##### 9546.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9546.0010 to 9546.0060, the following terms have the meanings given them.

Subp. 2. **Certification level.** "Certification level" means the level of care, whether skilled or intermediate, which a facility is certified to provide under Code of Federal Regulations, title 42, sections 442.100 to 442.112.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designee.

Subp. 4. **County relocation committee.** "County relocation committee" means those staff persons of the local agency designated by the county social service director to serve as the relocation committee in the responsible county.

Subp. 5. **Facility.** "Facility" means a certified boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56 and certified as an intermediate care facility as defined in United States Code, title 42, section 1396d, as amended through December 31, 1982, or a nursing home licensed under Minnesota Statutes, sections 144A.02 to 144A.10. Facilities for the mentally retarded as defined in United States Code, title 42, section 1396d(d), as amended through December 31, 1982, are excluded.

Subp. 6. **Local agency.** "Local agency" means the county or multicounty agency authorized under Minnesota Statutes, sections 393.01, subdivision 7 and 393.07, subdivision 2 as the agency responsible for providing social services.

Subp. 7. **Medical assistance.** "Medical assistance" means the program established under title XIX of the Social Security Act and Minnesota Statutes, chapter 256B.

Subp. 8. **Medicare.** "Medicare" means the health insurance program for the aged and disabled under title XVIII of the Social Security Act.

Subp. 9. **Relocation.** "Relocation" means the discharging of residents from a facility as a result of its closing, its loss of or change in certification, or termination of its medical assistance provider agreement.

Subp. 10. **Resident.** "Resident" means a person admitted to a facility.

Subp. 11. **Responsible county.** "Responsible county" means the county where the facility is located from which the residents will be discharged.

Subp. 12. **Swing bed.** "Swing bed" means a licensed bed in an acute care hospital that has approval from the Health Care Financing Administration to furnish intermediate care or skilled nursing facility services under the Medicare program, as provided under Code of Federal Regulations, title 42, sections 440.40(a) and 440.150(f).

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** 9 SR 2701

**9546.0030 PROCEDURE UPON NOTIFICATION.**

The local agency and its county relocation committee shall begin the process provided in parts 9546.0040 to 9546.0060 immediately upon receipt of written notification of the need for relocation from the facility, as provided in part 4655.6830, subpart 3, item B.

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** *9 SR 2701*

**9546.0040 RELOCATION PLANNING.**

Subpart 1. **County relocation committee.** The director of the local agency in a responsible county shall designate appropriate staff as the county relocation committee. The committee must be large enough to meet its responsibilities within the time limits in parts 9546.0030 to 9546.0060. Members of the county relocation committee must be knowledgeable about the needs of residents, and the local resources available to meet those needs including medical assistance and Medicare.

Subp. 2. **Alternative resources.** The county relocation committee shall develop a procedure to identify and monitor the current availability of alternative resources which may be used when a facility's residents must be relocated. These resources must include at least the following:

A. a list of unoccupied beds in other facilities within the county and in neighboring counties; this list must contain the following information about each facility:

- (1) the name, address, and telephone number of the facility;
- (2) the certification level of the available beds;
- (3) the type of services available within the facility; and
- (4) the number of beds that are available;

B. a list of alternative placements which includes swing beds in hospitals and foster care placement;

C. a list of the community and in-home health and social services which may be used on a temporary basis;

D. a list of transportation resources;

E. a list of volunteer resources; and

F. the name, address, and telephone number of the appropriate regional ombudsman from the long-term care ombudsman program of the Minnesota Board on Aging.

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** *9 SR 2701*

**9546.0050 RELOCATION ASSISTANCE.**

Subpart 1. **Resident information.** The county relocation committee shall obtain from the facility the name of each resident to be relocated, the name, address, and telephone number of either a family member or the individual legally responsible for the resident's care, and the name and telephone number of the individual in the facility to be contacted for further information. This information must be obtained at least 60 days before the date by which relocation is to be completed.

Subp. 2. **Coordination of relocation.** The county relocation committee shall designate one of its members as a liaison to the individual in the facility responsible for coordinating the relocation. The county designee shall meet with appropriate staff from the discharging facility to coordinate the relocation assistance offered by the county relocation committee with the relocation responsibilities of the facility. This coordination must include participating, as requested, in any group meetings of residents and their families to explain the steps being taken in arranging for the relocation of residents.

Subp. 3. **Offer of assistance.** The county relocation committee shall provide a written offer of relocation assistance to each resident to be relocated and to his or her family member, and if applicable, to the person legally responsible for his or her care. The written offer of assistance must contain, at least, an explanation of the relocation services offered by the county relocation committee, and the name, address, and telephone number of the individual to contact to request further information or assistance.

Subp. 4. **Relocation services.** The county relocation committee shall arrange for or provide, as necessary, the following minimum services for residents to be relocated to ensure their placement or other alternative care:

- A. accurate and up-to-date information about the alternative arrangements for the care of the resident, including all the resources identified in part 9546.0040, subpart 2;
- B. help in choosing among the available alternatives;
- C. counseling to enable the resident to adjust to the relocation;
- D. help in preparing the resident for the actual move which includes:
  - (1) providing written information about the new facility to the resident;
  - (2) providing an opportunity for the resident to visit the new facility to learn the physical layout, meet other residents and staff, and learn about the program and activities; and
  - (3) encouraging a visit by staff and residents from the new facility to the resident before the actual relocation, if a site visit by the resident is not possible;
- E. help in arranging for necessary transportation; and
- F. assurance that someone accompanies the resident during the actual move.

Subp. 5. **Follow-up visit.** A member of the county relocation committee shall visit the resident within 30 days after the relocation. The committee member shall interview the resident or observe him or her on-site, or both, and review and discuss pertinent medical or social records with appropriate staff to:

- A. assess the adjustment of the resident to the new living environment; and
- B. recommend services or methods to meet any special needs of the resident arising out of relocation.

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** 9 SR 2701

#### **9546.0060 REPORTING.**

Subpart 1. **Initial report.** The local agency shall submit a written report to the commissioner within one week after the date of receipt of the written notice of the need to relocate residents. The initial report must contain the following information:

- A. the names and phone numbers of the county relocation committee members;
- B. a description of the procedure developed to identify and monitor the availability of resources which may be used to meet the needs of the residents to be relocated; and
- C. a timetable for the completion of the relocation process.

Subp. 2. **Status reports.** During a relocation process the county relocation committee shall provide weekly status reports to the commissioner. The status reports must include the number of residents relocated during the week, the date each resident is relocated, and the new placement of each resident. The reports must also identify any problems met during the relocation process.

Subp. 3. **Summary report.** The county relocation committee shall provide a summary report to the commissioner within 60 days after the completion of a facility's relocation. The summary report must include:

- A. the number of residents relocated;
- B. the medical assistance identification number of each medical assistance recipient relocated;
- C. the date each resident was relocated;
- D. the new placement of each resident;
- E. the status of each resident at the time of the follow-up visit; and
- F. the identification of problems met during the relocation process.

**Statutory Authority:** *MS s 144A.31 subd 4*

**History:** 9 SR 2701