

4659.0130 CONDITIONS FOR PLANNED CLOSURES.**Subpart 1. Planned closure; notifying commissioner and ombudsman.**

A. Before voluntarily closing, a facility must submit to the commissioner, the Office of Ombudsman for Mental Health and Developmental Disabilities, and the Office of the Ombudsman for Long Term Care the following in writing:

- (1) the proposed closure plan; and
- (2) the name and contact information for a facility staff person who is responsible for managing the facility during the facility's closure process.

B. A facility may not accept new residents or enter into new assisted living contracts for any new residents as of the date that written notification of the closure is submitted under item A.

C. A licensee must comply with the requirements of this part when the licensee decides to not renew the assisted living contracts of all of its residents.

Subp. 2. Proposed closure plan; contents. A facility's proposed closure plan must include:

- A. the reason for the closure and the proposed date of closure;
- B. a proposed timetable for relocating residents, and how the facility will facilitate residents' relocations;
- C. a list identifying each resident that will need to be relocated;
- D. for those residents identified under item C:
 - (1) the resident's current levels of care, whether the resident receives services from the facility, and any special needs or medical conditions;
 - (2) the resident's payment source and, if applicable, medical assistance identification number;
 - (3) the names and contact information of the resident's representatives and case manager, if any; and
 - (4) the names and contact information for those residents who do not have a representative or case manager but who the facility has reason to believe may have diminished cognitive capacity;
- E. identification of at least two safe and appropriate housing providers and, for residents receiving services, appropriate service providers that are in reasonably close geographic proximity to the facility and may be able to accept a resident;
- F. the roles and responsibilities of the licensee, assisted living director, and any temporary managers or monitors during the closure process, and their contact information;

G. policies and procedures for ongoing operations and management of the facility during the closure process that ensure:

- (1) payment of all operating expenses;
- (2) staffing and resources to continue providing services, medications, treatments, and supplies to meet each resident's needs, as ordered by the resident's physician or practitioner, until closure;
- (3) residents' meals, medications, and treatments are not disrupted during the closure process;
- (4) transportation of residents during discharge and transfer;
- (5) residents' telephone, Internet services, and any electronic monitoring equipment are transferred and reconnected;
- (6) residents' personal funds are accounted for, maintained, and reported to the resident and resident's representatives during the closure process; and
- (7) residents' belongings are labeled and kept safe, and residents are given contact information for retrieving missing items after the facility has closed.

Subp. 3. Commissioner acknowledgment of notice.

A. Within 14 calendar days of receiving notice under subpart 1, the commissioner shall acknowledge receipt in writing of a facility's planned closure to the licensee.

B. Within 45 calendar days of acknowledging receipt of the notice under subpart 1, the commissioner shall approve the proposed closure plan and verify in writing the effective date of the closure to the licensee.

(1) During this period, the commissioner may contact the licensee about necessary amendments to the closure plan before the commissioner approves it and verifies the effective date of the closure.

(2) During this period, the licensee must establish and maintain ongoing communication with the commissioner regarding the status of the closure of the facility and timely respond to the commissioner's inquiries.

C. When the commissioner receives written notices of at least three license relinquishments or planned closures within 30 calendar days from the same licensee, the commissioner shall approve and verify the effective date of each closure in writing to the licensee within 75 calendar days of acknowledging receipt of the third notice.

D. No residents may be relocated pursuant to a proposed closure plan until the commissioner approves the proposed closure plan or until a modified closure plan is agreed upon by the commissioner and the licensee.

Subp. 4. **Notice to residents.** The licensee shall provide the same written notice of the closure to each resident and the resident's representatives and case manager that was submitted in subpart 1 and approved by the commissioner. The notice must include contact information for the Office of the Ombudsman for Long Term Care, the Office of Ombudsman for Mental Health and Developmental Disabilities, and a primary facility contact that the resident and the resident's representatives and case manager can contact to discuss relocating the resident out of the facility due to the planned closure.

Subp. 5. **Resident-relocation evaluation.**

A. After the commissioner approves the closure plan, the facility must prepare a written resident-relocation evaluation for each resident identified under subpart 2, item C. The evaluation must include:

- (1) the resident's current service plans;
- (2) the list of safe and appropriate housing and service providers identified under subpart 2, item E;
- (3) the resident's needs and choices; and
- (4) the right of the resident to tour the safe location and appropriate service provider, if applicable, prior to relocation.

B. The facility must provide a written copy of the resident-relocation evaluation to the resident and the resident's representatives and case manager as soon as practicable but no later than the planning conference under subpart 6, item A.

Subp. 6. **Resident-relocation plan.**

A. The facility must hold a planning conference and develop a written resident-relocation plan with each resident and the resident's representatives, case manager, and other individuals invited by the resident to the planning conference.

B. The relocation plan must incorporate the relocation evaluation developed in subpart 5.

C. The resident-relocation plan must comply with part 4659.0120, subpart 7, item C.

D. The facility must implement the resident-relocation plan, must comply with the coordinated move requirements under Minnesota Statutes, section 144G.55, and must provide a copy of the resident-relocation plan to the resident and, with the resident's consent, the resident's representatives and case manager, if applicable.

E. The department may visit the facility to monitor the closure process.

Subp. 7. **Resident-relocation verification.** Within 14 calendar days of all residents having left the facility, the licensee, based on information provided by the resident or resident's representatives, case manager, or family members, shall notify the commissioner in writing that the licensee completed the closure and verify to the commissioner that the licensee complied with the coordinated move requirements in Minnesota Statutes, section 144G.55.

Subp. 8. **Information regarding resident relocation to receiving provider.** The facility must comply with part 4659.0120, subpart 8, for all residents who relocate due to the closure.

Subp. 9. **Disbursing resident funds.** Within 30 calendar days of the effective date of the facility closure, the facility must follow the requirements of Minnesota Statutes, section 144G.42, subdivision 5.

Subp. 10. **Resident discharge summary.** When a resident moves out of the facility, the facility must provide the resident with a written discharge summary that complies with part 4659.0120, subpart 9.

Subp. 11. **License forfeiture.** The licensee forfeits its assisted living facility license or assisted living facility with dementia care license upon the effective date of closure identified in subpart 3.

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