

**4659.0160 RELINQUISHING AN ASSISTED LIVING FACILITY WITH DEMENTIA CARE LICENSE.**

Subpart 1. **Voluntary relinquishment; notifying commissioner and ombudsman.** Before relinquishing an assisted living facility with dementia care license, a licensee shall submit to the commissioner and ombudsman in writing:

A. the transition plan; and

B. the name and contact information of another individual, in addition to the facility director, responsible for the daily operation and management of the facility during the relinquishment process.

Subp. 2. **Transitional plan; contents.** In addition to the requirements under Minnesota Statutes, section 144G.80, subdivision 3, paragraph (a), clause (2), the transition plan must include:

A. the reason for relinquishing the license and the proposed date of relinquishment;

B. the proposed timetable for resident transitions, the resources that the facility will provide, and how the facility will facilitate resident transitions;

C. a list of residents who may require a change in service plan because of the relinquishment and a description of the residents' respective levels of care, special needs, or conditions; and

D. a list identifying each resident, if any, to whom the facility expects to issue a notice of termination of housing or assisted living services because of relinquishment.

Subp. 3. **Notice to residents.**

A. Along with the notice to residents required under Minnesota Statutes, section 144G.80, subdivision 3, the facility shall:

(1) notify all residents and their representatives and case managers, if any, in writing of the license relinquishment, the proposed date that the license will be relinquished, and the reason for the license relinquishment; and

(2) provide a primary facility contact that the resident and the resident's representatives and case manager, if any, can contact to discuss transitioning the resident out of the facility.

B. Once the facility has notified residents according to item A, the facility must revise advertising materials and disclosure information to remove any reference that the facility is an assisted living facility with dementia care and communicate to all potential residents and new residents entering the facility that the licensee will be relinquishing its license.

Subp. 4. **Resident-relocation evaluation.**

A. For each resident identified according to subpart 2, item D, whose contract the facility terminates, the facility must prepare a resident-relocation evaluation and comply with part 4659.0120, subpart 6.

B. The resident-relocation evaluation under item A may include recommendations for continuing to receive housing and assisted living services from the assisted living facility that is relinquishing its assisted living facility with dementia care license.

Subp. 5. **Resident-relocation plan.** For each resident identified in subpart 2, item D, whose contract the facility terminates, the facility must hold a planning conference and develop a written relocation plan and comply with part 4659.0120, subpart 7.

Subp. 6. **Verifying resident relocation.** Within 14 calendar days of all residents identified in subpart 2, item D, whose contracts the facility terminates, having left the facility, the licensee, based on information provided by each resident or resident's representatives, case manager, or family member, shall verify to the commissioner in writing that the residents are safely relocated according to this part and the coordinated move requirements in Minnesota Statutes, section 144G.55.

Subp. 7. **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 license relinquishment.

Subp. 8. **Disbursement of resident funds.** Within 30 calendar days of the effective date of the license relinquishment, the facility must follow the requirements of Minnesota Statutes, section 144G.42, subdivision 5, for all residents who relocate due to the license relinquishment.

Subp. 9. **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. 10. **Assisted living facility with dementia care license forfeiture.**

A. The licensee forfeits its assisted living facility with a dementia care license upon the proposed date of license relinquishment under subpart 2, item A, unless the commissioner has approved an extension to that date in writing.

B. The commissioner shall reclassify the license to the assisted living facility license category as of the date of relinquishment.

C. A licensee shall not reapply for an assisted living facility with dementia care license until one year after the date of license relinquishment.

**Statutory Authority:** *MS s 144G.09*

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