

**4659.0210 TERMINATION APPEALS; PROCEDURES AND TIMELINES FOR APPEALS.**

Subpart 1. **Resident appeal notice of termination.** Upon receipt of the facility's written notice of an assisted living contract termination, a resident has:

A. 30 calendar days to appeal a termination under Minnesota Statutes, section 144G.52, subdivision 7, paragraph (b), based on nonpayment of rent or services, or violating the assisted living contract; and

B. 15 calendar days to appeal an expedited termination of housing or services under Minnesota Statutes, section 144G.52, subdivision 7, paragraph (c).

Subp. 2. **Contact commissioner to start appeal.** Within the timelines stated in subpart 1, the resident or an individual acting on the resident's behalf shall contact the department in writing to request an appeal of the termination. The failure of a resident to request a hearing within the provided timelines constitutes a waiver of the right to a hearing.

Subp. 3. **Hearing process.**

A. Hearings under Minnesota Statutes, section 144G.54, shall be conducted in an expedited process, with a hearing held as soon as practicable, but in no event later than 14 calendar days after the Office of Administrative Hearings receives the request for hearing, unless the chief administrative law judge determines, under Minnesota Statutes, section 144G.54, subdivision 3, paragraph (c), that the hearing should be a formal contested case proceeding conducted under parts 1400.5010 to 1400.8400 and Minnesota Statutes, chapter 14.

B. Formal contested case proceedings shall be held according to parts 1400.5010 to 1400.8400 and Minnesota Statutes, sections 14.57 to 14.62.

C. If the resident is unable to provide self-representation at the hearing or wishes to have an individual present on the resident's behalf, an individual of the resident's choosing may present the resident's appeal to the administrative law judge on the resident's behalf.

D. In cases involving unrepresented residents, the administrative law judge shall take appropriate steps to identify and develop in the hearing relevant facts necessary for making an informed and fair decision. An unrepresented resident shall be provided an adequate opportunity to respond to testimony or other evidence presented at the hearing. The administrative law judge shall ensure that an unrepresented resident has a full and reasonable opportunity at the hearing to establish a record for appeal.

Subp. 4. **Order of commissioner.** If a hearing has been held, the commissioner may issue a final order within 14 calendar days after receipt of the recommendation of the administrative law judge. The parties may, within the first seven of those 14 calendar days, submit additional written argument to the commissioner on the recommendation and the commissioner will consider the written arguments. If the commissioner does not issue a final order within 14 calendar days after receipt of the recommendation, the recommendation of the administrative law judge constitutes the final order. Final orders may be appealed in the manner provided in Minnesota Statutes, sections 14.63 to 14.69.

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

**History:** *46 SR 33*

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