

1 Department of Human Services

2

3 Adopted Rules Relating to Relocation of Residents of Nursing
4 Homes and Certified Boarding Care Homes

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6 Rules as Adopted

7 9546.0010 APPLICABILITY.

8 Parts 9546.0010 to 9546.0060 govern the services that local
9 agencies are required to provide for the benefit of residents of
10 facilities when there are relocations. Parts 9546.0010 to
11 9546.0060 must be read in conjunction with [7 MCAR S 1.801
12 [Temporary]] for information regarding the relocation
13 responsibilities of facilities.

14 9546.0020 DEFINITIONS.

15 Subpart 1. Scope. As used in parts 9546.0010 to
16 9546.0060, the following terms have the meanings given them.

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

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

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

28 Subp. 5. Facility. "Facility" means a certified boarding
29 care home licensed under Minnesota Statutes, sections 144.50 to
30 144.56 and certified as an intermediate care facility as defined
31 in United States Code, title 42, section 1396d, as amended
32 through December 31, 1982, or a nursing home licensed under
33 Minnesota Statutes, sections 144A.02 to 144A.10. Facilities for
34 the mentally retarded as defined in United States Code, title
35 42, section 1396d(d), as amended through December 31, 1982, are

1 excluded.

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

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

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

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

16 Subp. 10. Resident. "Resident" means a person admitted to
17 a facility.

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

21 Subp. 12. Swing bed. "Swing bed" means a licensed bed in
22 an acute care hospital that has approval from the Health Care
23 Financing Administration to furnish intermediate care or skilled
24 nursing facility services under the Medicare program, as
25 provided under Code of Federal Regulations, title 42, sections
26 440.40(a) and 440.150(f).

27 9546.0030 PROCEDURE UPON NOTIFICATION.

28 The local agency and its county relocation committee shall
29 begin the process provided in parts 9546.0040 to 9546.0060
30 immediately upon receipt of written notification of the need for
31 relocation from the facility, as provided in 7 MCAR S 1.801
32 [Temporary], item C, subitem b.

33 9546.0040 RELOCATION PLANNING.

34 Subpart 1. County relocation committee. The director of
35 the local agency in a responsible county shall designate

1 appropriate staff as the county relocation committee. The
2 committee must be large enough to meet its responsibilities
3 within the time limits in parts 9546.0030 to 9546.0060. Members
4 of the county relocation committee must be knowledgeable about
5 the needs of residents, and the local resources available to
6 meet those needs including medical assistance and Medicare.

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

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

15 (1) the name, address, and telephone number of
16 the facility;

17 (2) the certification level of the available beds;

18 (3) the type of services available within the
19 facility; and

20 (4) the number of beds that are available;

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

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

25 D. a list of transportation resources;

26 E. a list of volunteer resources; and

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

30 9546.0050 RELOCATION ASSISTANCE.

31 Subpart 1. Resident information. The county relocation
32 committee shall obtain from the facility the name of each
33 resident to be relocated, the name, address, and telephone
34 number of either a family member or the individual legally
35 responsible for the resident's care, and the name and telephone
36 number of the individual in the facility to be contacted for

1 further information. This information must be obtained at least
2 60 days before the date by which relocation is to be completed.

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

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

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

27 A. accurate and up-to-date information about the
28 alternative arrangements for the care of the resident, including
29 all the resources identified in part 9546.0040, subpart 2;

30 B. help in choosing among the available alternatives;

31 C. counseling to enable the resident to adjust to the
32 relocation;

33 D. help in preparing the resident for the actual move
34 which includes:

35 (1) providing written information about the new
36 facility to the resident;

1 (2) providing an opportunity for the resident to
2 visit the new facility to learn the physical layout, meet other
3 residents and staff, and learn about the program and activities;
4 and

5 (3) encouraging a visit by staff and residents
6 from the new facility to the resident before the actual
7 relocation, if a site visit by the resident is not possible;

8 E. help in arranging for necessary transportation;
9 and

10 F. assurance that someone accompanies the resident
11 during the actual move.

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

18 A. assess the adjustment of the resident to the new
19 living environment; and

20 B. recommend services or methods to meet any special
21 needs of the resident arising out of relocation.

22 9546.0060 REPORTING.

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

28 A. the names and phone numbers of the county
29 relocation committee members;

30 B. a description of the procedure developed to
31 identify and monitor the availability of resources which may be
32 used to meet the needs of the residents to be relocated; and

33 C. a timetable for the completion of the relocation
34 process.

35 Subp. 2. Status reports. During a relocation process the
36 county relocation committee shall provide weekly status reports

1 to the commissioner. The status reports must include the number
2 of residents relocated during the week, the date each resident
3 is relocated, and the new placement of each resident. The
4 reports must also identify any problems met during the
5 relocation process.

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

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