

CHAPTER 144B

RESIDENTIAL CARE HOMES

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144B.01 DEFINITIONS.*[For text of subs 1 to 4, see M.S.1994]*

Subd. 5. **Residential care home or home.** "Residential care home" or "home" means an establishment with a minimum of five beds, where adult residents are provided sleeping accommodations and three or more meals per day and where at least two or more supportive services or at least one health-related service are provided or offered to all residents by the home. A residential care home is not required to offer every supportive or health-related service. A "residential care home" does not include:

(1) a board and lodging establishment licensed under chapter 157 and the provisions of Minnesota Rules, parts 9530.4100 to 9530.4450;

(2) a boarding care home or a supervised living facility licensed under chapter 144;

(3) a home care provider licensed under chapter 144A;

(4) any housing arrangement which consists of apartments containing a separate kitchen or kitchen equipment that will allow residents to prepare meals and where supportive services may be provided, on an individual basis, to residents in their living units either by the management of the residential care home or by home care providers under contract with the home's management;

(5) a board or lodging establishment which serves as a shelter for battered women or other similar purpose; and

(6) an elderly housing with services establishment registered under chapter 144D.

*[For text of subs 6 and 7, see M.S.1994]***History:** 1995 c 207 art 9 s 22

NOTE: The amendment to subdivision 5 by Laws 1995, chapter 207, article 9, section 22, is effective August 1, 1996. See Laws 1995, chapter 207, article 9, section 62, subdivision 4.

144B.13 FREEDOM FROM MALTREATMENT.

Residents shall be free from maltreatment as defined in section 626.5572, subdivision 15. The commissioner shall by rule develop procedures for the reporting of alleged incidents of maltreatment in residential care homes. The office of health facility complaints shall investigate reports of alleged maltreatment according to sections 144A.51 to 144A.54.

History: 1995 c 229 art 4 s 8**144B.15 HUMAN SERVICES LICENSURE EXCLUSION.**

Notwithstanding section 245A.03, subdivision 2, board and lodging establishments licensed by the commissioner and registered under section 157.17, subdivision 2, that provide services for five or more persons whose primary diagnosis is mental illness and who have refused a residential program offered by a county agency are exempt from licensure under sections 245A.01 to 245A.16, until one year after the residential care home licensure rules required under sections 144B.01 to 144B.17 are adopted by the commissioner of health. At that time, these establishments shall be licensed under sections 245A.01 to 245A.16, or as residential care homes.

History: 1995 c 207 art 9 s 60**144B.16 TRANSITIONAL PERIOD.**

Except as provided for in section 157.17, subdivision 4, the requirement to obtain a residential care home license is effective as of the effective date of the rules adopted by the com-

missioner. Until that time, board and lodging establishments that are required to be registered under the provisions of section 157.17 shall continue to meet the requirements contained in that section.

History: *1995 c 207 art 9 s 60*