

# MAGIC Annual Meeting of the Minds

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# Assisted Living/Housing with Services in Minnesota

Implications of the Elder Care Act of 2019

# Disclosures

- None



# Objectives

- Describe efforts to enhance regulatory oversight in Assisted Living Facilities
- Describe how care and care providers will be affected by the regulatory changes coming to Assisted Living Facilities

# Minnesota's Lagging Model in Care

Prior to this new law (Elder Care Act of 2019)  
Minnesota was the only state in the U.S. that had  
not mandated licensure of ALFs



# What Prompted This Response

The initiative began in response to a five-part *Star Tribune* investigation in 2017

## Left to suffer

A FIVE-PART SERIES

The first part of 'Left to Suffer' runs in Sunday's @StarTribune

Carter's call to see city a different way  **FACES OF CHANGE**  Collaborative priority  
**MINNESOTA**

**VALUABLE COUPONS INSIDE** **SPORTS** Gophers hang 54 points on Huskers **SUNDAY** **VARIETY** Ebenezers act for the love of Scrooge

November 12, 2017 [startribune.com](http://startribune.com) **StarTribune**

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**LEFT TO SUFFER**  
A five-part special report

# ABUSED, IGNORED ACROSS MINNESOTA

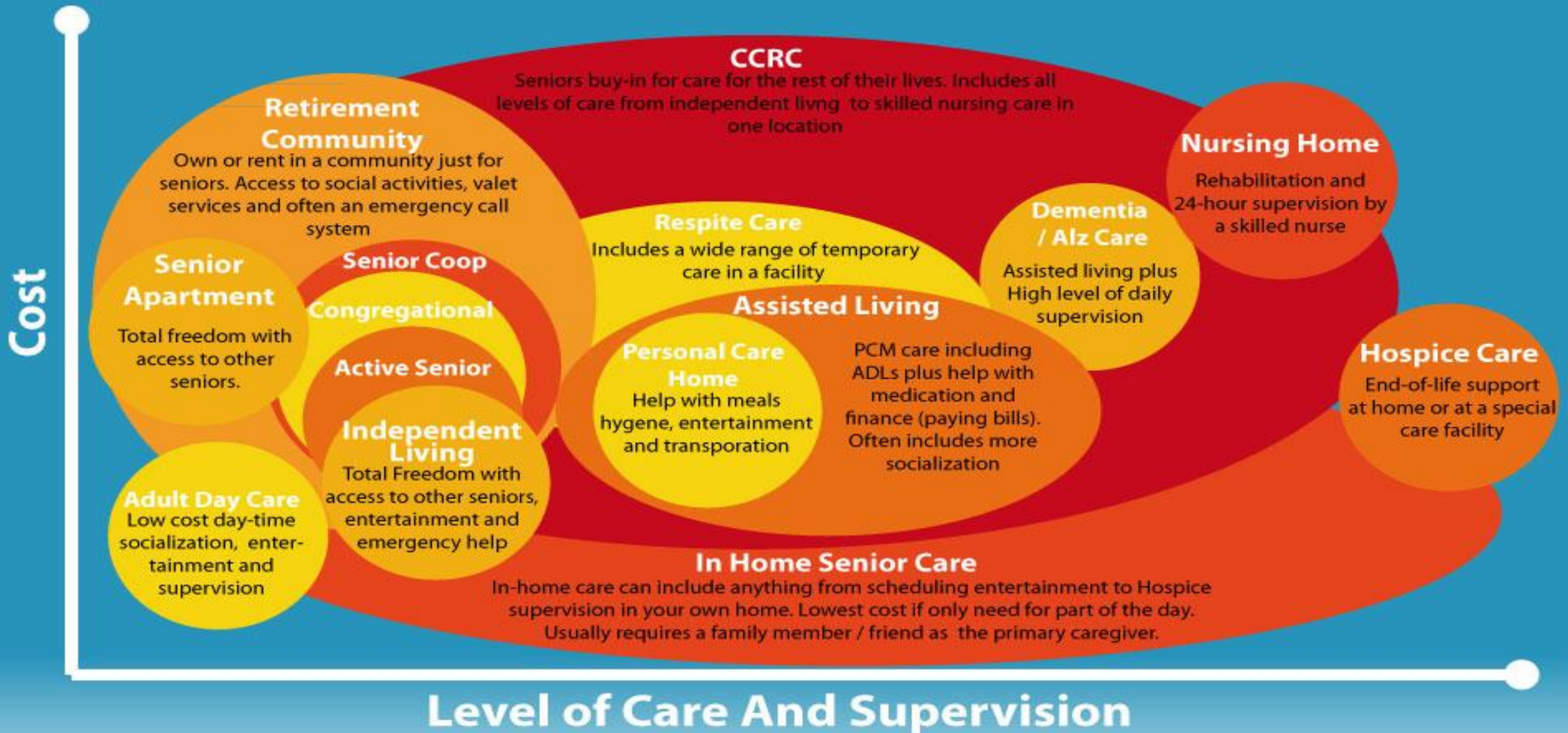
# ALF Demographics

Currently across Minnesota, approximately 39% of residents have dementia, and 58% of are older than 85 years of age.

Additional demographics....



# The Senior Living Spectrum



This bubble graph shows how different types of senior care overlap and the relationship between the level of care and the cost.



# What Denotes an ALF?

Housing

Services

- including dementia care

<https://www.revisor.mn.gov/statutes/cite/144G.08>

# Under That Definition...

## Housing—

- Traditional Assisted Living
- Residential Care
- Adult Foster Care
- Group Home
- Senior Co-op



# Under That Definition...

## Services—

- Assistance with dressing, self-feeding, bathing, grooming, toileting
- Providing standby assistance
- Medication assistance
- Treatment assistance
- Preparing modified diets
- Home healthcare services
- Supportive services



# Average Costs In Minnesota

- Adult day care costs average out to \$1,788 a month in Minnesota.
- Assisted living facility costs on average \$3,585/month but can exceed \$7000/month depending on location.
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- Nursing home care - range around \$8800-\$9000 a month



# Sequence of Events

2019

**June 5, 2019**

- Minnesota Governor Tim Walz signed the Elder Care and Vulnerable Adult Protection Act of 2019 into law.

**Dec 18, 2019**

- Governor Walz Commits to Making Minnesota an Age-Friendly State

2020

**Jan 21, 2020**

- Electronic monitoring allowed

**Feb 12, 2020**

- DHS creates a report card on the quality of ALF in MN

**July 2020**

- BENHA changes its name to the Board of Executives for Long-Term Services and Supports (BELTSS)
- A quality improvement task force was created

**Nov 5, 2020**

- Final Assisted Living Licensure Rules Advisory Committee Meeting Scheduled

2021

**July 1, 2020**

- Director licensing begins

**Aug 1, 2020**

- New licensure begins

# Leading Age

- Leading Age Minnesota was a participant in the framework of these negotiations.





# Progressing to a Brighter Future

# Highlights of the New Law in Assisted Living

- Under the new law, assisted living facilities must be licensed by August 1, 2021.
- New applicants must first apply for a provisional license and MDH will complete a survey of the facility.
- Each facility must provide information regarding the operations of the facility.
- Licenses must be renewed every year.



# Highlights of the New Law in Assisted Livings with Dementia Care

- Under the new law, assisted living facilities with dementia care must be licensed by August 1, 2021.
- Each facility must demonstrate that it has the ability to provide services to residents with dementia by—
  - showing the facility has experience managing residents with dementia OR
  - showing its compliance history in operating a care facility that is licensed or registered under federal or state law.
- If the facility does not have the necessary experience, they must employ a consultant with expertise in providing care for residents with dementia for the first six months of operation.



# Additional Provisions

- Include—
  - Immediate fines
  - A focus on prevention
  - Prioritized enforcement of service terminations for assisted living residents
  - Establishment of a maltreatment compensation fund

# Mandates for the Director of the ALF

- The Director of an ALF with dementia care must also complete at least ten hours of continuing education per year related to the care of individuals with dementia.
- Additionally, special requirements related to staffing, training, policies, and resident services must all be met for ALF's with dementia care.



# Minimum Facility Requirements for ALL Residents

- Distributing to residents the assisted living Bill of Rights.
- Using person-centered planning and service delivery.
- Giving residents the ability to furnish and decorate their unit.
- Permitting residents access to food at any time, with meals and snacks meeting certain minimum nutritional requirements.
- Giving residents the right to choose their visitors and the times of visits.
- Giving residents the right to choose their roommate if sharing a unit.
- Giving residents the right to have and use a lockable door to the resident's unit.



# Expected Outcomes for Patients

1. Helps to ensure the overall health, safety, and appropriate treatment of patients.
2. Adopt rules for ALFs that promote person-centered planning to promote optimal quality of life.
3. Ensures a patients rights are protected, that patient choice is encouraged, and ensures public health and safety.

# Options to Consider for ALFs

- A lesson from institutional healthcare quality
  - Policy, protocols, and procedures
  - Continuous quality improvement
  - An option to educate



# Minnesota's Path Set In Motion

- Minnesota's path to being designated as an Age-Friendly State has begun.



# Additional Resources

- Assisted Living Facilities Proposed Rules
  - <https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/proposedrules100820.pdf>

THANK YOU!

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