

# Minnesota's New Assisted Living License Renewal Process Clarified

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As readers of this blog know from prior posts linked [here](#) and [here](#), Minnesota instituted new licensure categories for assisted living facilities last year. Those initial one-year licenses were granted by the Minnesota Department of Health (“MDH”) on August 1, 2021. On May 1, 2022, the process to renew those initial licenses began. Here are some important points for Minnesota assisted living licensees to be aware of.

## Renewal Timeline

MDH sent notices to assisted living licensees at the end of April informing them that renewal applications are due by June 1. MDH will consider applications received after June 1 to be late, however there is a one month grace period and MDH will not begin to impose a late filing penalty of \$200 until applications are filed after July 1. Applications filed after August 1 will incur a fine of \$250 per day until the license is issued. Furthermore, the current license will be considered expired as of August 1 and it is a misdemeanor to provide assisted living services without a license. See Minn. Stat. 144G.12, Subd. 4.

## Renewed Licenses

When issuing renewed licenses on August 1, 2022, MDH will randomly assign a 5 to 16 month renewal period for a licensee's first renewal and by so doing will establish a staggering of subsequent renewals. Thereafter, each renewal will be for a 12 month period. So for example, on the shortest end of the range a renewed license will be issued on

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August 1, 2022 and will expire on December 31, 2022, and on the longest end of the range a renewed license will not expire until November 30, 2023. In each case, the next renewal following expiration will be for a 12 month period to establish the staggering mentioned above.

MDH is offering certain licensees the option to request a different renewal period than one randomly assigned. Licensees with more than one assisted living facility license have the option to request all license renewal dates occur in different months, throughout a 12-month period. If no such request is made, the default will be that all of such licensee's licenses will be scheduled to renew in the same month. Licensees also have the option to request a change to the randomly assigned renewal period based on financial hardship. Both types of requests must be submitted on MDH's forms for such requests by June 1, 2022.

It is important to note that the license renewal process may not be used to change the category of license a facility has. As a reminder, Minnesota implemented two categories of licenses – an assisted living facility license and an assisted living facility with dementia care license. A facility's license category may not be changed through the renewal process, which is only for renewing the same category of license.

License renewal fees vary by license category and will be prorated for a renewal period of less or more than one year. The 12-month assisted living facility license renewal fee is \$2,000 plus \$75 per licensed resident capacity, and the 12-month assisted living facility with dementia care license renewal fee is \$3,000 plus \$100 per licensed resident capacity.

Finally, if a licensee does not intend to renew its license, then the licensee must complete and submit MDH's closure form and closure plan for MDH approval per Minn. Stat. 144G.57 prior to June 1, 2022.

If you have questions about Minnesota's assisted living license renewal process, please contact the author or your regular Dorsey attorney.