

New Minnesota Assisted Living Licensure Requirements Have Gone Into Effect and the First Survey Results Are Out

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by Lillie C. Cox and Neal N. Peterson

On August 1, 2021, an overhaul of the licensing requirements for Minnesota assisted living facilities (codified at Minn. Stat. 144G.08-9999) went into effect. Under the new law, which was also discussed in a [previous Dorsey Health Law Blog post](#), Minnesota assisted living facilities are now required to obtain either an assisted living facility license or, for those that also provide dementia care services to any residents, an assisted living facility with dementia care license. The licensure scheme ushers in many new requirements aimed at protecting consumers, and the Minnesota Department of Health



(“Department of Health” or “Department”) surveys facilities to ensure compliance.

On August 15, 2021, the Department of Health began surveying the state’s 1,973 licensed assisted living facilities and on October 11, 2021, the Department released a report on the primary violations of the new

requirements discovered in the first 17 facilities surveyed. The primary violations fall into three main categories: (1) failure to provide required disclosures, (2) failure to comply with fire safety requirements, and (3) failure to comply with internal systems requirements.

1. **Required disclosures** A facility must display its license at the main public entrance of each building on its campus. A facility must provide all residents with the Assisted Living Bill of Rights (available [on the Department of Health’s website](#)) in addition to the facility’s Uniform Disclosure of Assisted Living Services & Amenities (UDALSA), which was completed by facilities as a component of the license application. The UDALSA must be provided to prospective residents prior to signing any contract and an updated UDALSA must be provided to residents and the Department of Health when services and amenities offered at the facility change. Facilities should also

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ensure they are in compliance with other miscellaneous notice requirements set forth in Minn. Stat. 144G.90.

2. **Fire safety** Facilities must have an interconnected smoke alarm system with one alarm in each sleeping room and outside each separate sleeping room. If a facility is not fully outfitted with sprinklers, there must be smoke alarms on each story of a dwelling, including basements. A facility must have enough portable fire extinguishers such that the nearest one is within a 75 foot distance.

3. **Internal systems requirements**

Facilities must have in place certain required policies, including but not limited to those set forth in Minn. Stat. 144G.41. Facilities must comply with the contract requirements set forth in Minn. Stat. 144G.50. Facilities must comply with the statutory scheme's electronic charting requirements. A facility's clinical nurse supervisor must develop the facility's staffing plan and the facility must post a daily staffing schedule. Finally, facilities must have an emergency plan in place that complies with Minn. Stat. 144G.42 and Rule 4659.0100.

The Department of Health has publicly posted all of the forms it uses to survey assisted living facilities, and providers should take advantage of these resources to conduct a self-audit. Providers should ensure compliance in order to have a successful survey and avoid fines or other penalties, as described in Minn. Stat. 144G.31. If you have further questions about this new law, please contact the authors or your regular Dorsey attorney.