

Elder Care Act: Assisted Living Licensure

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Planning Ahead—August 2021

Many areas of current “practice” will need to change

- Contracts
 - Policies/procedures/manuals
 - Budgets/Operations
 - Staffing levels/use of nursing staff
 - Determination of dementia specialization
- Physical Plant changes
 - Short term minor compliance
 - Longer term—buildings currently in **planning** stages will be impacted so developers need to understand the impacts now
- Assisted Living Directors: several routes to qualify



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Assisted Living Licensure

Dementia Care

- Additional requirements are identified for assisted living facilities that advertise, market, or otherwise promote as providing specialized care for individuals with Alzheimer's disease or other dementias.
- Assisted Living Facilities without this designation MAY serve individuals with dementia but cannot advertise/promote this specialization.
- An assisted living facility with a secured dementia care unit must be licensed as an assisted living facility with dementia care; there must be awake staff on that secured unit at all times.
- On-site inspections required prior to issuance of AL with dementia care license to ensure compliance with physical environment requirements.

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Dementia Care

- Facilities with this designation must demonstrate the capacity to manage residents with dementia, comply with the additional staffing and staff training requirements, and provide some specific services as needed by each resident.
- AL Director required to complete ongoing specialized continuing education relating to care of individuals with dementia; staffing requirements and supervision of staff delineated in law
- License applicants without experience in managing residents with dementia must use a consultant for the first six months of operations
- Person-centered services for residents with dementia noted including comprehensive evaluation for activities.
- Rulemaking will look additionally at dementia care training

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Physical Plant

- Each assisted living facility must have a comprehensive fire protection system to include the following:
 - Approved sprinkler system **or** smoke detectors in each occupied room
 - Portable fire extinguishers
 - Physical environment kept in a “continuous state of good repair and operation”
 - Fire drills conducted in accordance with Life Safety Code (bi-monthly and two at night)
 - Compliance with most current edition of Life Safety Code, Residential Board and Care Occupancies chapter. This minimum design standard must be met for *all new licenses, new construction, modifications, renovations, alterations, changes of use, or additions.*
 - New building requirements based on current edition of codes after August 1, 2021
 - Design requirements after July 31, 2021 based on Facility Guidelines Institute “Guidelines for Design and Construction of Residential Health, Care and Support Facilities”

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Physical Plant

- If the facility is Licensed as Assisted Living with **Dementia Care**, it must abide by the most current edition of Life Safety Code, Healthcare (limited care) chapter. The minimum design standards shall be met for all *new licenses, new construction, modifications, renovations, alterations, changes of use, or additions.*
- If the facility is Licensed as Assisted Living with **Dementia Care**, and if that building has a **secured unit**, the building shall be protected throughout by an approved supervised automatic sprinkler system by August 1, **2029**
- If the facility is Licensed as Assisted Living with **Dementia Care**, and if that building has a **secured unit**, the facility must conduct a hazard vulnerability assessment performed on and around the property, with mitigation strategies for identified hazards
- New buildings must have building plans reviewed by MDH prior to the commencement of construction.
- The law includes provisions for requesting a waiver or variance and notes the process and conditions for doing so.

Assisted Living Licensure

- In order to be qualified to serve as an Assisted Living Director, an individual must:
 - 1) Have completed an approved training course and passed an examination approved by the board that is designed to test for competence and that includes assisted living facility laws in Minnesota (*not available yet*);
 - 2) (i) currently be licensed as a nursing home administrator or have been validated as a qualified health services executive (HSE) by the National Association of Long-Term Care Administrator Boards; **and** (ii) have core knowledge of assisted living facility laws (*not available yet*); **or**
 - 3) Apply for licensure by July 1, 2021, and satisfy **one** of the following:
 - a. Have a higher education degree in nursing, social services, or mental health, or another professional degree with training specific to management and regulatory compliance;
 - b. Have at least three years of supervisory, management, or operational experience and higher education training applicable to an assisted living facility;
 - c. Have completed at least 1,000 hours of an executive in training program provided by an assisted living director licensed under this subdivision; or
 - d. Have managed a housing with services establishment operating under assisted living title protection for at least three years.

Assisted Living Licensure

So – Now What?

- I. Compliance with the new law
 - I. Development of manuals, checklists, policies
 - II. Identification of information gaps and need for clarifications (i.e. intersection between surveys and monitoring) either through bulletin or rulemaking
 - III. Report Card work
 - IV. Paths to Assistant Living Director—work on curriculum/testing
- II. Protection and Safety Work—what are we learning from the OHFC reports? How to share those learnings?
- III. Resident/Family Council Improvements
 - I. Pilots for Engaged Community Advisory
 - II. LTC Ombudsman Office initiative
- IV. What about those providers who are not connected to resources? How to address access for persons served under the elderly waiver program?

QUESTIONS?

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