

Electronic Monitoring and Consumer Protections

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Electronic Monitoring

- Protections go into effect January 1, 2020
- Applies to Nursing Homes, Housing With Services, and future Assisted Living facilities
- Provides a framework for when a resident can install a monitoring device
- Consent form required
- Notice to facility, with exceptions

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Discharge Protections

- Go into effect in 2021
- Facility can only discharge you for certain reasons
 - Non payment
 - Not compliant with the AL contract
 - Can't meet needs
 - Resident is endangering others

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Discharge Protections

- Facility must hold a meeting to try and resolve issues before discharge
- Facility must let resident back in after a short stay in the hospital
- Resident has appeal rights

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Discharge Protections

- If resident is discharged, facility must help plan for discharge to ensure you have an appropriate next home
- If a facility wants to non-renew the lease portion of the Assisted Living contract for persons not receiving services, they must provide 60-day notice and discharge planning protections

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Appeals Rights

- If an Assisted Living resident disagrees with the reason for discharge, will now have same appeals rights as Nursing Home residents
- Office of Administrative Hearings decides if the underlying reason for discharge is justified

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Retaliation Protections

- Retaliation Protections go into effect August 1, 2019
- Protections are for residents, and those advocating for residents (including employee)
- Applicable to Nursing Homes and Housing With Services (Assisted Living in 2021)

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Retaliation Protections

- MDH in charge of determining if retaliation occurred, using a three-part process – detailed in section 101.1
 - Resident or someone on resident's behalf must show they performed one of the protected actions (like complain to the facility about the care)
 - Resident/representative needs to show that the facility took action that could be considered retaliatory within 30 days of the protected action in step one
 - Facility has to explain to MDH (with evidence) why that action was not retaliatory

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Other Consumer Rights

- Assisted living resident councils
- Assisted living disclosures about the services offered
- Better regulations around “wellness” checks – a service not well defined in law before this act

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Other Consumer Rights

- Protections when a facility is closed or other regulatory action is taken against the facility
- Protections when and under what conditions a resident can be internally transferred within an Assisted Living facility
- Resident Quality of Care and Outcomes Task Force

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