

ALL Presentation Notes

Date: Thursday, March 17, 2022

Time: 10:00 am – 11:30 am

Agenda

- Proration and Randomized Renewal Period
- Renewal Application
- Capacity Changes and Physical Environment
- Important Information

Welcome

Welcome to the assisted living webinar that we are having today, March 17th. My name is Jane, and I am one of the executive managers of operations in the health regulation division at the department of health. We are thankful that you are joining us. I have the pleasure of being your host today. My position is a little bit new at the department of health. And so, just as in the February WebEx, you will be hearing a lot from Rick Michals who is our assisted living subject matter expert.

One thing we are going to be doing today is taking a poll. We want to get providers feedback regarding financial hardship and the randomization of the license period. Although this data is really for our feedback and data purposes only, we need to post the Tennessee Warning. Your comments, questions, and image, which may be private data may be visible during this event. You are not required to provide this data, and there are no consequences for declining to do so. The virtual presentation may be accessible to anyone who has business or legal right to access it. By participating, you are authorizing the data collected during this presentation to be maintained by MDH. To opt out of the presentation, please exit now. And again, I just want to really stress that the poll is for our feedback and data purposes only as we prepare to make some decisions related to randomization and financial hardship for the providers.

Housekeeping

The participants are muted. To ask a question, click on the chat bubble to open the chat and select "everyone." Please note that questions are sent to all panelists. We will answer questions as time allows at the end of the presentation. We do really encourage you to try to focus on the content that we are covering. Sometimes focusing on questions or the chat box causes some distraction and then we miss important information. We also want to make sure that people are respectful.

Something that we are offering today is captions for this presentation. If you would like to have captions, you can utilize the link in the chat.

One thing we also wanted to address is whether we record our WebEx presentations. We do not and wanted to provide our reasons for that. One being that we must make sure that we meet ADA requirements and standards for accessibility purposes. In doing so, that requires captions, data retention requirements and

things that are quite laborious that we are not able to provide. However, we will post the PowerPoint on our website.

With the upcoming renewal process, we want to reach as many providers as possible. We know this is a heavy lift for all of you. And so, we want to make sure that you register for provider updates. Utilizing the link [Long Term Care Provider Representatives GovDelivery List \(https://public.govdelivery.com/accounts/MNMDH/subscriber/new?topic_id=MNMDH_626\)](https://public.govdelivery.com/accounts/MNMDH/subscriber/new?topic_id=MNMDH_626) to register for this particular one. Just a note that we also have a link on the website to receive the ALL Together Newsletter (which is a separate registration). So please ensure that you are registered to receive all the different updates – we don't want to miss you.

We have additional WebEx's scheduled. They are posted on the [Home Care and Assisted Living Teleconference Calls \(www.health.state.mn.us/facilities/regulation/homecare/providers/calls.html\)](http://www.health.state.mn.us/facilities/regulation/homecare/providers/calls.html) website. We will also share those dates at the end of this WebEx.

During today's agenda, we are going to be covering the Randomized Renewal Period, the Renewal application, and Bob will be covering Capacity Changes and the Physical Environment. At the end, we will review some additional important information. First, we have Rick Michals who will cover Proration and the Randomized Renewal Period.

Proration and Randomized Renewal Period

My name is Rick Michals, and I am a State Operations Manager. I work with licensing enforcement for regulated providers, including assisted living providers. Today we will be discussing the randomized renewal periods and renewal timelines for conversion licenses. We will also discuss application requirements that are applicable to all renewal applicants, regardless of whether you applied for licensure via conversion or as a new provisional licensee. Some of the information I cover will be review from the last WebEx, but it bears repeating. There are a lot of new and unique elements to this first renewal cycle for everyone. If information sounds familiar to you, that's great. We will continue to add details as we approach the renewal period in May.

For renewal applicants that converted to assisted living licensure, all granted renewal licenses will be effective August 1st, 2022. The duration of the initial license period is prorated and randomly assigned based on the initial license period outline statute. The license period for initial renewal may be up to seven months shorter than the standard 12 month license period or four months longer with a minimal potential license period of five months and a maximum potential license period of 16 months. Prorating and randomizing that renewal period spread out nearly 2,000 conversion license renewal applications throughout the year going forward into the following renewal period to avoid a huge influx of renewals each spring and summer. After the initial renewal period, all licensees will return to a standard 12-month license period with the license effective and expiration dates consistent with the end dates with their prorated renewal period. For example, licenses expiring on December 31, 2022, will renew for a license period of January 1, 2023, through December 21, 2023. Provisional licensees will renew for one year license periods based on their effective dates. Therefore, no change to provisional licensing. The proration applies to licenses that converted August 1st of last year.

License renewal fees for applicants who converted to assisted living licensure will be prorated based on the number of months and the randomly assigned renewal period and calculated using the license type base fee plus per residency capacity outlined in Statute 144.12. This is the same formula we've used for conversion

application fees as well as provisional license fees. That is \$2,000 plus \$75 per planned resident capacity for assisted living facilities. And \$3,000 plus \$100 per planned resident capacity for assisted living facilities with dementia care. For example, if you have a prorated period of six months, it will be half of what it would've been for the 12-month license period. A prorated license period of 16 months will then be one-third more than what it would be for a 12-month license period to account for the additional four months. These fees will be calculated for you in the Improved Customer Service Delivery (ICSD) portal based on your license type, requested licensed resident capacity and your randomly assigned prorated renewal period. Those applying for a provisional license will pay the standard 12-month license fee.

As a side note, if you are a provisional licensee, you must remember to send your

[Notice of Providing Assisted Living Services \(PDF\)](#)

www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/p4030.pdf) to the department within two days of beginning to provide assisted living services to residents. If you do not submit this notice, we will not be able to schedule a survey to determine whether to grant the full assisted living facility license. And then once the provisional license reaches expiration, you will not receive a renewal notice. If you've forgotten to submit this notice and are past what is required by statute, please still submit the proper form so that we are aware you have residents. At the form can be found on the [Assisted Living Forms and Self-Audit Tools \(www.health.state.mn.us/facilities/regulation/assistedliving/survey.html\)](#) webpage.

The proration and change in license period from a standard 12-months for those licensees that converted to assisted living licensure may result in financial hardship due to a longer or shorter than expected license period. There will be a process for requesting a different license period based on expected financial hardship. Instructions for making this request will be included on the renewal letters, as well as posted to the assisted living licensure website. The form will be reviewed to determine if the applicant qualifies for a change to the renewal period. This process will not allow applicants to select a specific license period. It may allow for random reassignment from a license period of greater than 12-months to a license period of less than 12-months or vice versa. This request only applies to this first renewal period and for licensees who converted to assisted living licensure. Requests for a different license period due to financial hardship must be submitted no later than June 1, 2022, to allow for compliance with the timelines outlined in statute for submitting applications. No request will be accepted after that date. If you think you may have a financial hardship related to your prorated renewal license period, please plan to submit the form as soon as you receive your renewal notice. Additionally, businesses that hold multiple licenses may request that all their licenses renew in the same renewal month or that they renew during separate months. This request will also be posted on the website and in the renewal notice. As with financial hardship requests, a specific prorated license period cannot be requested, and all forms must be submitted by June 1, 2022.

The person submitting either the financial hardship or multiple license holder request must have the authority to make these decisions on behalf of the business. They will need sign an attestation on the form indicating that they do in fact have that authority. If you plan to submit a request to change your prorated renewal period, do NOT submit your renewal application until you have received confirmation (approval/denial) from MDH regarding your request. It cannot be changed once the renewal application is submitted. I will say that again. If you're planning to submit either of these requests, do NOT submit your application for renewal until after you have the determination from MDH. Once the application is submitted, we cannot make those adjustments.

I mentioned that we would be asking for feedback regarding licensees that may consider requesting a change to their license period due to hardship. Or whether there was a preference to group or to randomize licenses in cases wherever business hold multiple licenses. This will assist us in knowing the expectations and concerns of providers. It will also help us to plan the volume of requests we may receive. So, we have set up a poll. These results are anonymous, and respondents will not be locked into their selections. Responses will be used to better understand and assist in the renewal process. This only applies to assisted living renewals for applicants who *converted* to assisted living licensure (as opposed to applicants or licensees that came in as a provisional licensee).

Renewal Application

For applicants who converted to assisted living licensure, renewal notices containing their Improved Customer Service Delivery (ICSD) system login information and the prorated renewal period will be sent by May 1st. The renewal application will be available at that time. These renewals will all be effective on August 1st and the expiration date will be based on the randomly assigned renewal period that we discussed earlier. The provisional licensees will receive their renewal notices approximately 90 days prior to their current expiration date.

Per statute, renewal applications must be submitted at least 60 calendar days prior to their expiration to remain in compliance. This will be by June 1, 2022, for conversion applicants who are renewing. Additionally, any application submitted less than 30 days prior to expiration is subject to a \$200 penalty. The deadline to avoid this penalty for conversion applicants is July 1, 2022. I will say that again. There is a **\$200 penalty** for submitting an assisted living facility license renewal application less than 30 days prior to expiration. This is a new element that is now included in statute. It will be important to get your applications in on time to avoid this penalty.

In addition to the \$200 penalty for submitting the renewal application less than 30 days prior to the expiration date of the license, there is a \$250 per day penalty issued if the licensee operates after the expiration of the license and before the renewal license is issued. This is based on the license issued date. Again, this is a per day penalty in addition to the \$200 late submission penalty and any enforcement actions that may be pursued due to the provider operating without a license, including misdemeanors. The enforcement part of this penalty will add up quickly as four days of operating without a license will already place a licensee at a \$1200 penalty. Again, please be sure to submit your renewal applications timely.

To summarize, MDH will send the renewal notices approximately 90 days prior to the license expiration date. For conversion applicants, this will contain prorated renewal periods for the license as well as instructions on how to request changes that we discussed for financial hardship or multiple license holders. Renewal applications are required to be submitted 60 days prior to the expiration date to remain in compliance with statute. Applications submitted less than 30 days prior to license expiration dates are subject to a one-time, \$200 penalty. Facilities operating after the license expiration date are subject to a \$250 per day penalty until the renewal license is issued. All these penalties are easily avoidable by simply submitting and completing the renewal application. Please submit your applications per the timelines and statute. Again, this means June 1 or earlier for conversion applicants.

Renewal notices for applicants who converted to licensure will be emailed to the licensee's permanent business email on or before May 1, 2022. Licensees should be sure to monitor that mailbox and should also

make sure that MDH has the correct email on record. Permanent business email would have been recorded based on your initial application. As the name implies, this email is intended to be permanent. If it has changed, please update by submitting the [Assisted Living Provider Change of Information Form \(PDF\)](http://www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/f4040.pdf) (www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/f4040.pdf) found on the [Assisted Living Licensure](http://www.health.state.mn.us/facilities/regulation/assistedliving/index.html) (www.health.state.mn.us/facilities/regulation/assistedliving/index.html) website. This form should be used to change the Authorized Agent, Manager, Doing Business As, or mailing address. Please note that the mailing address may change but the facility address, or location may not. A new facility location requires a new provisional assisted living facility license.

Here we have some new tips to make sure that you are completing the applications correctly. The most important aspect of filling out the application will be to provide the most complete and accurate information as possible. This will reduce questions to the applicant and allow for faster application review. False representations may result in the denial of the license. Be sure to read all the attestations and ensure that your facility follows all requirements. Check all the attestations and sign the application electronically. All attachments including an updated [Uniform Disclosure of Assisted Living Services and Amenities \(UDALSA\)](http://www.health.state.mn.us/facilities/regulation/assistedliving/docs/forms/udalsa.pdf) (PDF) (www.health.state.mn.us/facilities/regulation/assistedliving/docs/forms/udalsa.pdf). It is required with each renewal application. If additional background studies are needed for new owners or managerial officials, be sure those are up-to-date when you submit your application. It's also very important to verify the mailing address (where renewal certificate is to be mailed). You may also need to update the Post Office with any business information. We had many returned license certificates last year due to incorrect addresses. Please pay close attention to this when you are filling it out. If you are not renewing your license, then you must submit a closure form and closure plan for approval. This must be approved *at least* 60 days prior to expiration of the license to allow for appropriate notice to residents as required by statute. If the correct closure practices are not followed, the licensee would be assessed with orders and potentially fines or other enforcement actions that may impact their ability to become licensed again in the future.

For application attachments, there are not as many required attachments for the renewal application as there are with the conversion or provisional applications. Many of the attachments would fall into the "if applicable" category where not all applicants would need to submit them. Depending on the situation, it may be appropriate. You will need to submit updated proof of workers' compensation and liability insurance. That should be submitted to reflect the new renewal period as well. You should also gather building information for each building under the license being renewed. Some of this building information will be entered in the application in the building information screen. However, plans related to new construction or requesting capacity increases should not be attached to the application. Again, building plans should not be attached to the application. These must be submitted for engineering review via health.assistedliving@state.mn.us and will be reviewed under a separate process that Bob will outline. The need for other attachments will depend on changes that have occurred to the license in their previous year. If an organizational chart has changed, we want an updated chart to be submitted. Gathered these items early, even now, to ensure that you can complete the application within the statutory timelines. Not every item will apply to every applicant situation.

We've gone over some of the general rules for this application. Here are the things that cannot be done through the renewal application. The assisted living license renewal application does not renew the Assisted Living Director license. That is done through a separate process with the Board of Executives for Long-Term Services and Supports (BELTSS). The renewal application is not an application for a change of ownership (CHOW). A CHOW must be completed before or after renewal using the application found on the assisted living licensure website. License type may not change on renewal. As I mentioned before, a facilities location

may not change on renewal. If a facility's location is going to change, then a new license is needed prior to providing services at that location.

Change of ownership may not occur via the renewal application. When a change of ownership occurs, an application for a new license must be submitted via the licensing system. That application can be found on the assisted living licensure website. *Initial License resulting from a change of ownership* should be selected on this form. A new license is required due to a change of ownership if the form of the licensee's legal entity changes. For example, if a sole proprietorship changes to an LLC. It is also required if the licensee dissolves, consolidates, or merges with another legal organization and licensee's legal organization does not survive. Within the previous 24 months, 50% or more of the license is transferred to either a different person or a person who had less than 5% interest in the facility at the time of the first transaction. In this case, a different person has been interpreted as a person who is not already an owner on the license or owns less than 5% of the license. Additionally, any other event or combinations that result in a substitution, elimination, or withdrawal of the licensee's responsibility for the facility. If you are wondering whether your facility is undergoing a new license, please see the statute as well as FAQ Section of the Assisted living Licensure website. Questions may be sent to the assisted living email box.

License type cannot change via renewal. The process for changing from an assisted living facility with dementia care license to an assisted living facility license is called relinquishment. Relinquishment must be completed by the procedures outlined. This must be completed prior to or after renewal. This cannot be done through renewal. Additionally, a provider who relinquishes an assisted living facility dementia care license cannot apply for a new license for one year after the date of the relinquishment. You may not change license type from an assisted living facility license to an assisted living facility with dementia care license. To change that level at a given facility would require a new provisional license at that address.

Another note on closures. If you are not renewing you license, you must submit a closure form for approval. This must be approved by MDH at least 60 days prior to expiration of the license to allow appropriate notice to residents as required by statute. If the correct closure processes are not followed, the licensee will be assessed with fines or other enforcements that may impact their ability for licensure in the future. If you need to close your license, please submit the [Assisted Living Closure Form \(PDF\)](http://www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/f4045.pdf) (www.health.state.mn.us/facilities/regulation/assistedliving/docs/surveyforms/f4045.pdf) and closure plan as soon as possible.

License resident capacity *may* be updated on renewal. The requested license resident capacity will be entered on the Building Information screens for each building listed under the license being renewed. We will combine the total resident capacity under the license to calculate the renewal application fee. There is also a physical environment and engineering component to changing the licensed resident capacity.

Capacity Changes and Physical Environment

My name is Bob, and I am an operations manager in the Health Regulation Division. One of the fine groups of folks I oversee are the Engineers. And a handful of those engineers are going out to assisted living facilities. If you are lucky enough to have a survey so far -- if you had somebody asking you about smoke alarms and fire extinguishers, that was somebody from my engineering team.

Today, what I want to talk about is the licensed resident capacity changes and the physical environment and how there are times that you can change the capacity during renewal and other times where it might take a

bit more review. Maybe inform everybody on what we can do now with this renewal and where we will have to go through another process.

Capacity changes are allowed on license renewal. However, there will be times where they won't be approved, or it will have to go through a different process to be approved. And so that's what I was going to talk about today. If you're going to increase your capacity, but it requires some sort of construction or adding buildings or something along those lines, that would bring in an engineering plan review. It would also require a review process with your local jurisdiction. This is separate from the renewal process.

Even if you are operating within your building, for example you have a single-family house with a capacity of three and you want to go to a capacity of 4. Because we only have a handful of staff and a handful of engineers for the entire state, in an ideal world, we would have some sort of participation with these renewals and adding of capacities. With so few folks and working to staff up, we can't look at every single project. It is the really the Director's responsibility to make sure all codes are met. When we talk about codes, the things that we would look at, a bedroom space that has proper windows, the smoke alarms meet the statute, etc.

The other thing that we need to think about is, what I call it breaking the barrier. When you go from 5-6 and 16-17, you are doing what I call breaking a barrier. You're getting into another building code and fire code called occupancies. For us it is all assisted living. When you look at the law for example, it does draw a line at six. Anything from 1-5 must meet certain requirements. Anything that goes above six and even 17 plus that would essentially bring in the Life Safety Code and Facility Guidelines which brings in different requirements. For the renewals, what we can't do is break those barriers from 5-6 and 16 to 17.

Let's talk about things that we can do. You are in a single-family house, and you've got a capacity of three and you want to go to a capacity of five. You know that you have the proper smoke alarms and the bedrooms are to code. Then by all means, you can increase the capacity in that building. We just need to be careful. You can't break the barrier from 5-6.

What happens when you break those barriers? When you do that, it brings on extra requirements that would require you to hire an architect and go through the review process. What are some of the things that we would look at? So, for example, if we are breaking that barrier from 5-6, what does that mean? Why is it such a big deal? From our licensure standpoint, it would bring on the Facility Guidelines Institute (FGI) requirements. Going from 5-6, you think it's not a big deal, but it is according to our licensure and the building codes. So, what we couldn't do is break that barrier. And if you did, what you would have to do is essentially hire an architect to draw up some plans at that show where those spaces are. You would have to show that you are complying with other requirements. Building codes like any of the Minnesota state building codes. We are talking building code, fire code, electrical code. All those things. It will essentially bring in sprinkler systems, fire alarm systems, emergency lighting grid. It could also affect your accessibility requirements as well. This would be a big, big job that would require you to hire an architect to show that you are meeting those codes. Because it is such a big deal, it is not something that we can do in the renewal process. It would have to go through a plan review process between your local jurisdiction that would look at the building codes and MDH engineering who would look at the law, in particular, Life Safety Code and the Facility Guidelines Institute.

When you go from 16-17, really the same stuff but even higher requirements. Again, you would have to hire an architect. The Life Safety Code and the Facility Guidelines Institute would be pulled in as well. Even if you are a conversion, if you are breaking that barrier, it's kind of a change in the game. It's kind of like if you were to have a building and you are to add onto it. What you are adding on or what you are doing has to meet the

newer code. We will be looking at the newer code. It would go from an R4 occupancy. Going from residential occupancy to an "I" which is institutional, brings on NFPA 13 sprinkler systems (high level of a sprinkler system) and high-level fire alarm system. It would also require smoke barriers, construction type limited. Also, high accessibility requirements from what I understand from the Accessibility Code. They would have to be reviewed with your local building officials. The Life Safety Code and the Facility Guidelines Institute would have to be reviewed at least with MDH Engineering. I would be going through with the architect basically showing us plans and showing the local jurisdiction plans that these codes and requirements are met. I don't want to tell you that you can't do this but is a big deal and is a process that we just cannot do this on renewal. It would have to go through on another separate review process.

So, if you decide that you are going to do something like this or if you've got a construction project that you are planning we are trying to work out a process. Suppose you have a major construction project, it's hard to time those major construction projects to land on your renewal. We are trying to work in the system, that we will have a process to allow for capacity increases as those projects come through. But really, any kind of construction that you are doing would have to go through this review process. Especially if you've got a construction process where you want to add capacity, then you would certainly have to go through this process.

Important Information

We are going to go over some important information and dates. Applications will be posted on or around May 1st with renewal letters coming out at the same time. Submit your renewal applications early. We cannot stress this enough. We know it's a heavy lift for you. For us it is also processing 2,000 licenses in our department. The more we get on the front end the more we will be able to process them more quickly. It's important to provide the correct mailing address for mailing out the paper license. I know that the administrative staff that mailed them out last year are prepped and ready to go with all the proper supplies and such. Please make sure you have the correct information on your renewal application and that all the necessary attachments and signatures are provided. Thankfully, there are fewer attachments with the renewal process. Follow the engineering guidelines that Bob just reviewed. Follow the renewal timelines to prevent fees and fines. Closure plans must be submitted 60 days prior to the closure if the license is not being renewed. We must follow the closure process. We cannot simply decide not to renew and continue operating.

We have indicated some important dates which include May 1st which is when the renewal application should be up and ready to go. June 1st is another very important day and is the 60 day deadline for application submission. June 1st is also the 60 day deadline for closure plans. July 1st is the 30 day deadline for application submission to avoid the onetime \$200 penalty fee. And August 1st is another important date. Any nonrenewed conversion license that is expired is subject to a daily fine of \$250.

We have a lot of great partnerships, one being with BELTSS. We want to make sure people are clear that the assisted living license renewal is separate from the licensed assisted living director renewal. It is not related and totally separate. I would also like to share with you that in our partnership, we talked about the feasibility of providing CEUs for our WebEx's. We will provide updates on the feasibility of having those available and what that will entail and hope to have that work done by our next WebEx which will be in April.

Make sure that you've signed up for proper notifications. We also want to make sure that you are aware of where to obtain the different publications and statute books. The most recent publication does include the legislation that was passed in the December 2020 Special Session as well.

I really want to thank all the people that have assisted today internally and externally. From the Department of Health, the Communication Team, Lindsey's Team that have all worked hard to put this process in place and make it as seamless as possible. There is a lot of legislation then regulation that we are required to follow and implement. And so, your feedback is important to us. We also appreciate our external partnerships.

Q&A

Q: How will penalties be handled if the providers submitted the application by the deadline but is delayed at the state level?

A: If it was delayed for application review reasons or background studies are delayed even though the application was submitted timely, then we would take those on a case-by-case basis, but there's a possibility we may not assess fines in those cases.

Q: How long does MDH have to send out a license renewal after the application has been received?

A: There is a 60 day timeline in statute for making a final decision on any completed application for a license in Minnesota. I'm not aware of any timeline specifics for renewals. Certainly, we would try to make those determinations as soon as possible to get these licenses issued for completed applications where the application is approved. Get those out to you prior to the expiration date.

Q: Will the responses to request a change to the renewal period be quick so we can submit an application before getting a \$200 penalty?

A: We will review them as quickly as possible. This is a brand-new option here and it applies only to *this* renewal period. So, I would certainly try to get those turned around as quickly as possible. By submitting those forms as quickly as possible will allow us to get those responses back to you and allow you to submit those applications timely. Again, if there was any kind of delay on the part of MDH, that is something that we would have to discuss further, case-by-case as well.

Q: Please clarify the comment that a CHOW cannot happen during a renewal. Does that mean a facility may not schedule a CHOW to occur in the 60 days prior to the facility's renewal date?

A: That statement just means that you can't use the renewal application to complete a CHOW. A CHOW gives us a new license and requires the application form on the website to be filled out and submitted. And then, that generates a new license period and effective date.

Q: There was a slide with a list of important dates - what is the difference between the 6-1 date and the 7-1 date?

A: There is a 60 day deadline to remain in compliance for submitting the application (June 1). A penalty is incurred for applications submitted after the 30 day deadline (July 1).

Q: Will payment be due at time of renewal? Electronic payment allowed?

A: Yes, payment will be due at renewal and payments will be made through ICSD.

Q: What's the minimum room size for a shared room?

A: So, there's a lot to that question even though it seems like a simple question. You could go to the law, but there really isn't anything about room size. So, then what we would do is go to the FGI, because they talk

about spaces. However, in FGI, there isn't square footage requirements. What I would do is your own risk assessment. Basically, you would want to look at those residents and say "Okay, who's gonna be in these rooms? What kind of space do they need?". If you were to look at the FGI, they need space to move around the beds and around the room. And so, a person that is ambulatory may need a certain amount of space, but someone who uses a walker or maybe even a wheelchair probably needs more space. So, by going through your assessment, I think that would tell you how much space you need. Usually, we are looking for a regular ambulatory person generally needing a 3-foot space between the sides of the beds for people to move around. If you've got a walker or a wheelchair, you might want to increase that to whatever space you think is necessary. That way, if you do that type of risk assessment, at least you will have an idea of what space you need or what that specific resident needs. You could make a smart decision on the best rooms for them or really the best rooms that people could room together in. So, not a specific answer, which I think is good. It gives you the opportunity to figure out for yourself what works best. When you go through that risk assessment and you get that process and you document it and someone asks you about it, at least you will have an idea of why that decision was made and that the space that you had is sufficient.

Q: Please clarify capacity in relation to having 16 units (1-studio, 4 2BR and 11 1BR). Potential maximum capacity would be 31 with the 16-units due to dual occupancy. We found that by licensing the max capacity at 31 in increased our insurance cost dramatically. Is it possible to reduce capacity to a more realistic capacity number?

A: From the engineering standpoint, we don't have any issue with people reducing their capacity. The one warning that I might put out there is that you might not want to reduce where you would break those barriers. You may not want to get down below 17. That way, you stay in that upper category. Not that you couldn't go down below and then go back up above, it just would take some research on our part. It would be a lot easier if you stayed in that area. You can keep adjusting that as you need it when you are allowed to. So, yes, I believe you can go down. I would just caution people from breaking those barriers.

Make sure that you're also complying with proper notice and the assisted living bill of rights regarding transfer of residents if you are looking to reduce your capacity with existing residents. Make sure those requirements are followed.

Q: Can I go from 6 beds to 5 with the renewal?

A: You would be breaking a barrier at that point. Since engineering is not looking at these, if you are breaking a barrier, even going down, it may not be a big deal. But later, when you want to go back to 6, it could be an issue. So, I would say, please don't break those barriers even if you are going or down. It will just be easier for you down the road. If you want to talk with me separately about it, we certainly can. So right now, I think it would be best if we didn't break those barriers.

Conclusion

Thank you, everyone for joining us. Be sure to sign up for all those mailing and distribution lists. We have the email box for assisted living. We welcome your questions there as well. We look forward to seeing you again in April.

ALL PRESENTATION NOTES

Minnesota Department of Health
Assisted Living Licensure
Health Regulation Division
PO Box 3879
St. Paul, MN 55101-3789
651-201-4200
health.assistedliving@state.mn.us
www.health.state.mn.us

3/17/2021

To obtain this information in a different format, call: 651-201-4101.