MDH Human Services/Long-Term Care Policy Bill

SF 4418 (Wiklund)/ HF 4212 (Virnig)

Article 1: Supplemental Nursing Services Agency Survey Compliance

Supplemental Nursing Services Agencies are required to comply with state registration requirements under Minn. Stat. 144A.72. In some cases, the Department has experienced delays when facilities have not provided requested records in a timely manner, hindering survey and enforcement processes.

This proposal clarifies that the Commissioner must be given access to relevant information, records, incident reports, or other documents when requested. If a facility denies access, the Department may bring enforcement action. This change strengthens oversight authority and ensures timely compliance to protect residents and maintain accountability.

Article 2: Chapter 144D Clean Up

Chapter 144D (Housing with Services establishments) was repealed in 2019 when Minnesota established the assisted living licensure framework under Chapter 144G. However, references to Chapter 144D remain throughout current statute. This technical housekeeping proposal removes obsolete statutory references to the repealed chapter and makes conforming updates.

Article 3: Restraints in Assisted Living

When Minnesota established assisted living licensure under Chapter 144G in 2019, the statute did not address the use of restraints. As a result, current law is silent on when and how restraints may be used in assisted living settings, leading to confusion and inconsistent practice.

This proposal establishes clear statutory standards governing the use of restraints in assisted living facilities. It prohibits restraints except in limited circumstances, permits emergency manual restraint only in situations involving imminent risk of harm, and requires documentation, reporting, and staff training. The proposal strengthens resident protections, improves transparency and accountability, and provides clearer expectations for providers while supporting resident health and safety.

Article 4: Change of Ownership Clarifications

When an assisted living or home care provider undergoes a change of ownership, questions often arise regarding responsibility for outstanding fines and compliance orders. Current statutory language has led to confusion among licensees and stakeholders.

This proposal clarifies that after a change of ownership, the new licensee is responsible for any outstanding fines, fines assessed after the effective date of transfer, and for bringing the facility into compliance with any existing correction orders or conditions. The change provides clarity, strengthens accountability, and ensures continuity of regulatory oversight during ownership transitions.