

**Subject** Protections for recipients of long-term care services

**Authors** Moller and others

**Analyst** Elisabeth Klarqvist

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## Overview

This bill establishes protections for residents of nursing homes and assisted living facilities and recipients of home and community-based services. It prohibits nursing homes, assisted living facilities, and service recipients of home and community-based services from requiring a current or prospective resident or service recipient to have or obtain a guardian or conservator to be admitted to or maintain residence at the facility. It also requires review and approval by the commissioner of health before an assisted living facility can increase its charges in certain circumstances, prohibits mandatory arbitration provisions in assisted living contracts, and prohibits an assisted living facility from terminating an assisted living contract or declining to renew a housing contract if the resident changes from using private funds to public funds.

## Summary

Section	Description
1	<b>Prohibited condition for admission or continued residence.</b> Adds § 144A.104. Prohibits a nursing home from requiring a current or prospective resident to have or obtain a guardian or conservator as a condition of admission or continued residence.
2	<b>Regulatory functions.</b> Amends § 144G.09, subd. 2. Authorizes the commissioner of health to approve or disapprove proposed increases in amounts charged by assisted living facilities for housing or assisted living services.
3	<b>Change of ownership; increase in amount charged for housing or services.</b> Adds subd. 5 to § 144G.19. Following a change of ownership, requires a new licensee for an assisted living facility to provide the commissioner with justification for and documentation supporting a proposed increase in housing or assisted living services.

<b>Section</b>	<b>Description</b>
	Requires the commissioner to approve or disapprove the proposed increase, and prohibits an increase from being implemented unless approved by the commissioner.
<b>4</b>	<b>Increase in amount charged for housing or services.</b> Adds subd. 4 to § 144G.40. If an assisted living facility proposes to increase charges for housing or services by more than the change in the Consumer Price Index for the most recent 12-month period for which data is available, requires the facility to provide the commissioner with justification for and documentation supporting the increase. Lists documentation that must be provided, and requires the commissioner to approve or disapprove the proposed increase. Prohibits an increase from being implemented unless approved by the commissioner, and requires the commissioner to condition approval on the facility maintaining or improving the quality of care provided.
<b>5</b>	<b>Prohibited condition of admission or continued residence.</b> Adds § 144G.505. Prohibits an assisted living facility from requiring a current or prospective resident to have or obtain a guardian or conservator as a condition of admission or continued residence.
<b>6</b>	<b>Arbitration.</b> Amends § 144G.51. Prohibits an assisted living facility from requiring mandatory arbitration to resolve disputes or requiring a current or prospective resident to agree to use arbitration to resolve disputes. Requires arbitration to be optional for the resident, and specifies the optional arbitration provision must be contained in a separate writing with a notice that arbitration is optional. Provides an arbitration provision that violates these requirements is void and unenforceable.
<b>7</b>	<b>Impermissible ground for termination.</b> Adds subd. 5a to § 144G.52. Prohibits an assisted living facility from terminating an assisted living contract on the ground that the resident changes from using private funds to using public funds for housing or services.
<b>8</b>	<b>Nonrenewal of housing.</b> Adds subd. 2 to § 144G.53. Prohibits an assisted living facility from declining to renew a resident's housing contract on the ground that the resident changes from using private funds to using public funds for housing. Makes technical changes to section 144G.53.

Section	Description
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| 9 | <p><b>Prohibited condition of admission or continued residence.</b></p> <p>Adds subd. 1a to § 245D.10. Prohibits a license holder under chapter 245D from requiring a current or prospective resident to have or obtain a guardian or conservator as a condition of admission or continue residence in the facility.</p> |
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