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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

NINETY-FIRST SESSION

**H. F. No. 90**

01/17/2019 Authored by Schultz, Olson, Bernardy, Becker-Finn, Cantrell and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy  
02/25/2019 Adoption of Report: Amended and re-referred to the Judiciary Finance and Civil Law Division  
03/04/2019 Adoption of Report: Amended and re-referred to the Committee on Government Operations  
03/07/2019 Adoption of Report: Re-referred to the Committee on Commerce  
03/14/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means  
04/26/2019 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time  
05/10/2019 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments  
05/19/2019 Returned to the House as Amended by the Senate  
The House concurred in the Senate Amendments and repassed the bill as Amended by the Senate  
05/22/2019 Presented to Governor  
Governor Approval

**2019 Amendment to Minnesota Home Care Bill of Rights**

**These changes to the Minnesota Home Care Bill of Rights are effective August 1, 2019**  
(strike-through text indicates text removed and underlined text indicates text added)

1.1 A bill for an act

1.2 relating to health; establishing consumer protections for residents of assisted living

1.3 establishments; prohibiting deceptive marketing and business practices; establishing

1.4 provisions for independent senior living facilities; establishing an assisted living

1.5 establishment license; changing the name for Board of Examiners for Nursing

1.6 Home Administrators; imposing fees; establishing a health services executive

1.7 license; making certain conforming changes; providing penalties; granting

1.8 rulemaking authority; requiring reports; appropriating money; amending Minnesota

1.9 Statutes 2018, sections 144.051, subdivisions 4, 5, 6; 144.057, subdivision 1;

1.10 144.122; 144A.04, subdivision 5; 144A.19, subdivision 1; 144A.20, subdivision

1.11 1, by adding subdivisions; 144A.21; 144A.23; 144A.24; 144A.251; 144A.2511;

1.12 144A.26; 144A.44, subdivision 1; 144A.471, subdivisions 7, 9; 144A.472,

1.13 subdivision 7; 144A.474, subdivisions 9, 11, by adding a subdivision; 144A.475,

1.14 subdivisions 3b, 5; 144A.476, subdivision 1; 144A.4799; 256.9741, subdivision

1.15 1; 256I.03, subdivision 15; 256I.04, subdivision 2a; 325F.72, subdivisions 1, 2;

1.16 626.5572, subdivision 6; proposing coding for new law in Minnesota Statutes,

1.17 chapters 144; 144G; 256M; 325F; proposing coding for new law as Minnesota

1.18 Statutes, chapter 144I; repealing Minnesota Statutes 2018, sections 144A.441;

1.19 144A.442; 144A.472, subdivision 4; 144D.01; 144D.015; 144D.02; 144D.025;

1.20 144D.03; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07;

1.21 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04;

1.22 144G.05; 144G.06.

1.23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.24 **ARTICLE 1**

1.25 **ASSISTED LIVING LICENSURE**

1.26 Section 1. Minnesota Statutes 2018, section 144.122, is amended to read:

1.27 **144.122 LICENSE, PERMIT, AND SURVEY FEES.**

1.28 (a) The state commissioner of health, by rule, may prescribe procedures and fees for

1.29 filing with the commissioner as prescribed by statute and for the issuance of original and

1.30 renewal permits, licenses, registrations, and certifications issued under authority of the

133.22 Sec. 16. Minnesota Statutes 2018, section 144A.44, subdivision 1, is amended to read:

133.23 Subdivision 1. **Statement of rights.** (a) A person client who receives home care services

133.24 in the community or in an assisted living facility licensed under chapter 144I has these

133.25 rights:

133.26 (1) ~~the right to~~ receive written information, in plain language, about rights before

133.27 receiving services, including what to do if rights are violated;

133.28 (2) ~~the right to~~ receive care and services according to a suitable and up-to-date plan, and

133.29 subject to accepted health care, medical or nursing standards and person-centered care, to

133.30 take an active part in developing, modifying, and evaluating the plan and services;

134.1 (3) ~~the right to~~ be told before receiving services the type and disciplines of staff who  
134.2 will be providing the services, the frequency of visits proposed to be furnished, other choices  
134.3 that are available for addressing home care needs, and the potential consequences of refusing  
134.4 these services;

134.5 (4) ~~the right to~~ be told in advance of any recommended changes by the provider in the  
134.6 service plan and to take an active part in any decisions about changes to the service plan;

134.7 (5) ~~the right to~~ refuse services or treatment;

134.8 (6) ~~the right to~~ know, before receiving services or during the initial visit, any limits to  
134.9 the services available from a home care provider;

134.10 (7) ~~the right to~~ be told before services are initiated what the provider charges for the  
134.11 services; to what extent payment may be expected from health insurance, public programs,  
134.12 or other sources, if known; and what charges the client may be responsible for paying;

134.13 (8) ~~the right to~~ know that there may be other services available in the community,  
134.14 including other home care services and providers, and to know where to find information  
134.15 about these services;

134.16 (9) ~~the right to~~ choose freely among available providers and to change providers after  
134.17 services have begun, within the limits of health insurance, long-term care insurance, medical  
134.18 assistance, or other health programs, or public programs;

134.19 (10) ~~the right to~~ have personal, financial, and medical information kept private, and to  
134.20 be advised of the provider's policies and procedures regarding disclosure of such information;

134.21 (11) ~~the right to~~ access the client's own records and written information from those  
134.22 records in accordance with sections 144.291 to 144.298;

134.23 (12) ~~the right to~~ be served by people who are properly trained and competent to perform  
134.24 their duties;

134.25 (13) ~~the right to~~ be treated with courtesy and respect, and to have the client's property  
134.26 treated with respect;

134.27 (14) ~~the right to~~ be free from physical and verbal abuse, neglect, financial exploitation,  
134.28 and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment  
134.29 of Minors Act;

134.30 (15) ~~the right to~~ reasonable, advance notice of changes in services or charges;

134.31 (16) ~~the right to~~ know the provider's reason for termination of services;

135.1 ~~(17) the right to~~ at least ten calendar days' advance notice of the termination of a service  
135.2 by a home care provider, except at least 30 calendar days' advance notice of the service  
135.3 termination shall be given by a home care provider for services provided to a client residing  
135.4 in an assisted living facility as defined in section 144I.01, subdivision 7. This clause does  
135.5 not apply in cases where:

135.6 (i) the client engages in conduct that significantly alters the terms of the service plan  
135.7 with the home care provider;

135.8 (ii) the client, person who lives with the client, or others create an abusive or unsafe  
135.9 work environment for the person providing home care services; or

135.10 (iii) an emergency or a significant change in the client's condition has resulted in service  
135.11 needs that exceed the current service plan and that cannot be safely met by the home care  
135.12 provider;

135.13 ~~(18) the right to~~ a coordinated transfer when there will be a change in the provider of  
135.14 services;

135.15 ~~(19) the right to~~ complain to staff and others of the client's choice about services that  
135.16 are provided, or fail to be provided, and the lack of courtesy or respect to the client or the  
135.17 client's property and the right to recommend changes in policies and services, free from  
135.18 retaliation including the threat of termination of services;

135.19 ~~(20) the right to~~ know how to contact an individual associated with the home care provider  
135.20 who is responsible for handling problems and to have the home care provider investigate  
135.21 and attempt to resolve the grievance or complaint;

135.22 ~~(21) the right to~~ know the name and address of the state or county agency to contact for  
135.23 additional information or assistance; and

135.24 ~~(22) the right to~~ assert these rights personally, or have them asserted by the client's  
135.25 representative or by anyone on behalf of the client, without retaliation; and

135.26 ~~(23) place an electronic monitoring device in the client's or resident's space in compliance~~  
135.27 with state requirements.

135.28 (b) When providers violate the rights in this section, they are subject to the fines and  
135.29 license actions in sections 144A.474, subdivision 11, and 144A.475.

135.30 (c) Providers must do all of the following:

135.31 (1) encourage and assist in the fullest possible exercise of these rights;

- 136.1 (2) provide the names and telephone numbers of individuals and organizations that  
136.2 provide advocacy and legal services for clients and residents seeking to assert their rights;
- 136.3 (3) make every effort to assist clients or residents in obtaining information regarding  
136.4 whether Medicare, medical assistance, other health programs, or public programs will pay  
136.5 for services;
- 136.6 (4) make reasonable accommodations for people who have communication disabilities,  
136.7 or those who speak a language other than English; and
- 136.8 (5) provide all information and notices in plain language and in terms the client or  
136.9 resident can understand.
- 136.10 (d) No provider may require or request a client or resident to waive any of the rights  
136.11 listed in this section at any time or for any reasons, including as a condition of initiating  
136.12 services or entering into an assisted living contract.