

**To: Mark Schultz, MDH**

**From: Patti Cullen, President and CEO, Care Providers of MN  
Gayle Kvenvold, President and CEO of LeadingAge MN**

**Date: March 5, 2021**

**RE: Assisted Living Licensure Legislation**

Thanks to you and your colleagues at the Minnesota Department of Health (MDH) for convening stakeholders over the last several weeks to craft a consensus bill reflecting changes needed to ensure the smooth, timely implementation of Assisted Living Licensure requirements. We recognize that applications for licensure are due June 1, 2021 and licensure is set to take effect on August 1, 2021. Because of the pressing timeline of application process, which will begin in late April/ early May, with implementation shortly thereafter, LeadingAge Minnesota and Care Providers of Minnesota fully committed to working through details of the complex legislation and identifying the most pressing issues in these discussions.

We have reviewed the items proposed for inclusion in the consensus bill and agree that these are important changes that need to be addressed prior to implementation of the new licensing structure. Therefore, we are happy to add our support of the consensus bill and would be happy to sign on to the proposed letter of support that also opposes amendments without agreement by all stakeholders.

All stakeholders participating in this process, including our organizations, have had to set aside issues where we were unable to reach consensus, where the issues were not necessary for implementation of the licensure structure, or where a change at this time would interrupt the timely implementation of the assisted living licensure law. We remain committed to working with stakeholders to address concerns even after the initial implementation phase of Minn. Stat. 144G.

We understand that some stakeholders are unwilling to sign on to a consensus letter not because they oppose what is in the bill but because this bill does not address all issues that have been raised. This is disappointing. We believe that a refusal to sign the consensus letter blocks the possibility of passing this consensus legislation this year. Over the past two years, stakeholders have operated under an agreement to not advance any legislation related to assisted living licensure without the support of all stakeholders, and we believe that standard should continue to apply this year as well. Our organizations have operated in good faith and have not sought to introduce separate, stand-alone legislation on issues lacking consensus out of respect for our stakeholder partners. A failure to sign on to a joint letter of support of this legislation indicates a risk that the consensus bill will become a vehicle for controversial proposals that lack consensus. The risk of the legislature passing non-consensus changes this close to the June 1, 2021 assisted living licensure application deadline is one we are not willing to take.

Failure to move forward on consensus language this year will have significant impacts on consumers and providers. Here are just a couple of examples:

- Failure to support and pass the consensus bill will prevent a significant percentage of current dementia care providers from obtaining an assisted living license because the current statute mistakenly applies new outdoor space requirements to existing providers. We estimate that this could impact 30% or more of existing dementia care providers and will create significant access issues for seniors requiring intensive dementia care services.
- Failure to support and pass the consensus bill will mean that the assisted living licensure law will not incorporate important recommended coordination with the Office of the Ombudsman for Mental Health and Developmental Disabilities to protect resident rights. For example, the current statute does not ensure protections from retaliation for seeking services from that office.
- Failure to support and pass the consensus bill means that the statute will fail to incorporate several clarifying technical changes needed to help inform the application process for assisted living licensure. Here, we must remind stakeholders that the application deadline for assisted living licensure is June 1, 2021 so these technical changes must be made with sufficient time to incorporate into application materials.

We have done good work as a stakeholder group and acknowledge that there are likely more discussions in our future. However, we remain hopeful that all stakeholders will join us in supporting this consensus legislation.