

March 9, 2021

Dear Stakeholders of the 2021 Assisted Living Licensure Engagement Process

The Department of Health (MDH) would like to provide an update on the stakeholder engagement process that was convened in an attempt to identify additional changes to the assisted living licensure law that could be passed during the 2021 legislative session. We had hoped that we could reach stakeholder consensus on a set of changes, and work with legislators to get those changes passed in time to implement before the new licensure process goes into effect on August 1st. However, some stakeholder groups, while indicating that their respective organizations agreed with the language the stakeholder group developed through the MDH process, have indicated that they could not support a consensus agreement letter indicating that agreement. Legislators have indicated that such a letter is necessary to move language forward during this session.

The goal of the engagement effort was to understand stakeholder views on a wide range of topics and potential modifications to statute, with a best-case outcome of potential draft legislative language for those topics in common agreement among all stakeholders before first legislative deadline. This was always going to be a heavy lift; stakeholders submitted 215 individual statutory or conceptual modifications to assisted living licensure, and with a shared commitment to only move forward those items that had complete consensus among all parties, the most likely outcome given time constraints was always that only a small list of modifications could be made this session.

In the end, the group's effort achieved many successes, including:

- 20 modifications were agreed to by all stakeholders (one of which had many modifications within it to add references to the OOMHDD) – these account for 27 of the 215 modifications initially identified.
- 24 modifications were discussed and stakeholders could not agree to include in the consensus bill; as a result these topics were placed into a category for future discussion/consideration.
- At least 13 topics were deferred to the future after initial discussions.

In all, there were more than 10 meetings held between February 12th and March 2nd representing many hours of work and time spent by all stakeholders. MDH staff incorporated the consensus items into draft bill language and requested a letter of agreement to be signed by all stakeholders to show each organization's agreement to the consensus language. That draft bill language contained over 30 pages of changes to current laws. Unfortunately, despite the hard work of all stakeholders, there were a number of additional topics that could not be addressed in the time available.

Both legislative deadlines and the effective date of assisted living licensure on August, 1, 2021 made it impossible to continue to work through the remaining issues for presentation this session. Some aspects of the licensure implementation have already been made public and others are preparing for publication. Assisted living licensure rules are in the final stages of their judicial review and approval. The Department is also working to develop and implement technology solutions, finalize public education materials, and hire and train additional staff in advance of the August 1st effective date. In some situations, making alterations too late in the process may be more detrimental than simply allowing the licensing change to occur and redressing issues for the 2022 legislative session.

MDH remains willing to work with all stakeholders to identify and address additional consensus modifications to the assisted living licensure law during this session and afterwards. As always, we also stand ready to provide technical assistance on bills brought to the agency's attention.

Sincerely,



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