

4659.0120 PROCEDURES FOR RESIDENT TERMINATION AND DISCHARGE PLANNING.**Subpart 1. Pretermination meeting notice.**

A. Before issuing a notice of termination, the facility must schedule a pretermination meeting under Minnesota Statutes, section 144G.52, subdivision 2, and provide written notice of the meeting to the resident and the resident's representatives at least five business days in advance of the scheduled meeting.

B. The facility must schedule and participate in the pretermination meeting, and make reasonable efforts to ensure that the resident and the resident's representatives are able to attend the meeting. If an in-person meeting is impractical or impossible, the facility may schedule and participate in a meeting via telephone, video, or other means as provided for emergency relocations under subpart 2. If the resident or the resident's representatives fail to cooperate in the scheduling of the meeting or fail to appear at a properly noticed meeting, the facility may issue a notice of termination, provided that the facility demonstrates reasonable efforts to ensure the resident's and the resident's representatives' attendance at the meeting and that proper notice was provided to all parties. If the resident or resident's representatives fail to comply with agreements reached at the pretermination meeting, the facility may proceed with a notice of termination without holding another pretermination meeting, so long as notice of termination is provided at least seven days before the notice is issued.

C. For a resident who receives a home and community-based services waiver under Minnesota Statutes, section 256B.49 and chapter 256S, the facility must provide written notice of the pretermination meeting to the resident's case manager at least five business days in advance.

D. In addition to the notice requirements under Minnesota Statutes, section 144G.52, subdivision 2, the pretermination meeting written notice under item A must include:

- (1) a proposed time, date, and location of the meeting;
- (2) a detailed explanation of the reason or reasons for the proposed termination;
- (3) a list of facility individuals who will attend the meeting;
- (4) an explanation that the resident may invite family members, representatives, relevant health professionals, a representative from the Office of Ombudsman for Long-Term Care, and other individuals of the resident's choosing to participate in the pretermination meeting;
- (5) contact information for the Office of Ombudsman for Long-Term Care and the Office for Ombudsman for Mental Health and Developmental Disabilities and a statement that the ombudsman offices provide advocacy services to residents;
- (6) the name and contact information of an individual at the facility whom the resident may contact about the meeting or to request an accommodation;
- (7) notice that attendees may request reasonable accommodations for a communication disability or if they speak a language other than English; and

(8) notice that if the resident's housing or services are terminated, the resident has the right to appeal under part 4659.0210 and Minnesota Statutes, section 144G.54.

E. The facility must provide written notice to the resident, the resident's representatives, and the resident's case manager of any change to the date, time, or location of the pretermination meeting.

Subp. 2. Emergency relocation notice.

A. If there is an emergency relocation under Minnesota Statutes, section 144G.52, subdivision 9, and the licensee intends to issue a notice of termination following the relocation, and an in-person pretermination meeting is impractical or impossible, the facility must use telephonic, video, or other electronic format for the meeting under Minnesota Statutes, section 144G.52, subdivision 2.

B. If the pretermination meeting is held through telephonic, video, or other electronic format under Minnesota Statutes, section 144G.52, subdivision 2, paragraph (d), the facility must ensure that the resident, the resident's representatives, and any case manager or representative of an ombudsman's office are able to participate in the pretermination meeting. The facility must make reasonable efforts to ensure that anyone else the resident invites to the meeting is able to participate.

C. If a pretermination meeting is held after an emergency relocation, the licensee must issue a notice to the resident, the resident's representatives, and the resident's case manager, if applicable, containing the information in subpart 1, item D, at least 24 hours in advance of the pretermination meeting. The notice must include detailed instructions on how to access the means of communication for the meeting.

D. If notice to the ombudsman is required under Minnesota Statutes, section 144G.52, subdivision 9, paragraph (c), clause (3), the facility must provide the notice as soon as practicable, and in any event no later than 24 hours after the notice requirement is triggered.

Subp. 3. Identifying and offering accommodations, modifications, and alternatives. In addition to the requirements in Minnesota Statutes, section 144G.52, subdivision 2, paragraph (a), clause (2), at the pretermination meeting, the facility must collaborate with the resident and the resident's representatives, case manager, and any other individual invited by the resident to identify and offer any potential reasonable accommodations, modifications, interventions, or alternatives that can address the issues underlying the termination.

Subp. 4. Summarizing pretermination meeting outcomes. Within 24 hours after the pretermination meeting, the facility must provide the resident and the resident's representatives and case manager, if present at the pretermination meeting, with a written summary of the meeting, including any agreements reached about any accommodation, modification, intervention, or alternative that will be used to avoid terminating the resident's assisted living contract.

Subp. 5. Providing notice.

A. A facility must provide written notice of the resident's contract termination by hand delivery or by first-class mail. Service of the notice must be proved by affidavit of the person effectuating service.

B. If sent by mail, the facility must mail the notice to the resident's last known address.

C. A facility providing a notice to the ombudsman under Minnesota Statutes, section 144G.52, subdivision 7, paragraph (a), must provide the notice as soon as practicable, but in any event no later than two business days after the facility provided notice to the resident. The notice must include a phone number for the resident, or, if the resident does not have a phone number, the phone number of the resident's representatives or case manager.

Subp. 6. Resident-relocation evaluation.

A. If the facility terminates the resident's contract or the resident plans to move out of the facility because the facility has initiated the pretermination or termination process, the facility must prepare a written resident-relocation evaluation. The evaluation must include:

- (1) the resident's current service plan;
- (2) a list of safe and appropriate housing and service providers that are in reasonably close geographic proximity to the facility and are able to accept a new resident;
- (3) the resident's needs and choices; and
- (4) the right of the resident to tour the safe location and appropriate service provider, if applicable, prior to relocation.

B. The facility must provide a written copy of the resident-relocation evaluation to the resident and the resident's representatives and case manager as soon as practicable but no later than the planning conference under subpart 7, item A.

Subp. 7. Resident-relocation plan.

A. If the facility terminates the resident's contract or the resident plans to move out of the facility because the facility has initiated the pretermination or termination process, the facility must hold a planning conference and develop a written relocation plan with the resident, the resident's representatives and case manager, if any, and other individuals invited by the resident.

B. The relocation plan must incorporate the resident-relocation evaluation developed in subpart 6.

C. The resident-relocation plan must include:

- (1) the date and time that the resident will move;
- (2) the contact information of the receiving facility;

- (3) how the resident and the resident's personal property, including pets, will be transported to the new housing provider;
- (4) how the facility will care for and store the resident's belongings;
- (5) recommendations to assist the resident to adjust to the new living environment;
- (6) recommendations for addressing the stress that a resident with dementia may experience when moving to a new living environment, if applicable;
- (7) recommendations for ensuring the safe and proper transfer of the resident's medications and durable medical equipment;
- (8) arrangements that have been made for the resident's follow-up care and meals;
- (9) a plan for transferring and reconnecting phone, Internet services, and any electronic monitoring equipment; and
- (10) who is responsible for paying moving expenses and how the expenses will be paid.

D. The facility must implement the resident-relocation plan, must comply with the coordinated move requirements in Minnesota Statutes, section 144G.55, and must provide a copy of the plan to the resident and, with the resident's consent, to the resident's representatives and case manager, if applicable.

Subp. 8. **Providing resident-relocation information to receiving facility or other service provider.** In addition to the requirements in Minnesota Statutes, section 144G.43, subdivision 4, and with the resident's consent, the facility must provide the following information in writing to the resident's receiving facility or other service provider:

- A. the name and address of the facility, the dates of the resident's admission and discharge, and the name and address of a person at the facility to contact for additional information;
- B. names and addresses of any significant social or community contacts the resident has identified to the facility;
- C. the resident's most recent service or care plan, if the resident has received services from the facility; and
- D. the resident's current "do not resuscitate" order and "physician order for life-sustaining treatment," if any.

Subp. 9. **Resident discharge summary.** At the time of discharge, the facility must provide the resident, and, with the resident's consent, the resident's representatives and case manager, with a written discharge summary that includes:

- A. a summary of the resident's stay that includes diagnoses, courses of illnesses, allergies, treatments and therapies, and pertinent lab, radiology, and consultation results;

B. a final summary of the resident's status from the latest assessment or review under Minnesota Statutes, section 144G.70, if applicable, that includes the resident status, including baseline and current mental, behavioral, and functional status;

C. a reconciliation of all predischarge medications with the resident's postdischarge prescribed and over-the-counter medications; and

D. a postdischarge plan that is developed with the resident and, with the resident's consent, the resident's representatives, which will help the resident adjust to a new living environment. The postdischarge plan must indicate where the resident plans to reside, any arrangements that have been made for the resident's follow-up care, and any postdischarge medical and nonmedical services the resident will need.

Subp. 10. Services pending appeal. If the resident needs additional services during a pending termination appeal, the facility must contact and inform the resident's representatives and case manager, if any, of the resident's responsibility to contract and ensure payment for those services according to Minnesota Statutes, section 144G.54, subdivision 6.

Subp. 11. Expedited termination.

A. A facility seeking an expedited termination under Minnesota Statutes, section 144G.52, subdivision 5, must comply with all of the requirements of this part.

B. If the facility seeks a termination or expedited termination on the basis of Minnesota Statutes, section 144G.52, subdivision 5, paragraph (b), clause (2), the facility must provide the assessment that forms the basis of the expedited termination to the resident with the notice of termination and include the name and contact information of any medical professionals who performed the assessment.

Statutory Authority: *MS s 144G.09*

History: *46 SR 33*

Published Electronically: *August 11, 2021*