



Assisted Living and Nursing Home Laws in Minnesota

- Assisted Living Rules -

Assisted Living is a type of rental housing that includes services like daily meals, housekeeping, help with daily living, recreation activities and emergency call services.

There are different names for Assisted Living, like Housing with Services and Customized Living. The different types of Assisted Living may have slightly different rules, but they will be lumped together as “Assisted Living” in this factsheet.

Assisted Living includes:

- in-home residential and Assisted Living situations
- retirement communities
- Dementia care and hospice care
- a whole range of independent living situations where services are available

The average cost for Assisted Living is \$4,000 per month but can be a lot less or a lot more. That cost includes the bill for both rent and services.



Things to Think About if You Are Looking at Assisted Living

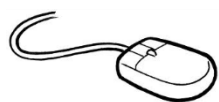
- If you want government help to pay for your Assisted Living you have to do a Medical Assistance (MA) long-term care application AND a MN Choices questionnaire (formerly called a Long-Term Care Consultation (LTCC).)
- You might have to pay for home care on your own until your MA application is approved. This could take weeks or even months.
- MA might pay for the services you need but you may be responsible for rent or room and board. Some people may be able to get help from Housing Support (formerly called Group Residential Housing). Up to \$922 a month.

- You may need to spend down money to reach MA eligibility. If you have a large amount of assets you may want to talk to a lawyer who works on MA planning. A lawyer can talk to you about the best way to preserve your income and assets. This is extra important if you move to a nursing home.
- Not all Assisted Living places take payments from public assistance agencies for services or housing and food. Make sure you check.
- There may be charges for additional services that are not covered.



How do I choose Assisted Living?

- Think about what services you want and where you want to live
- www.minnesotahelp.info is a great resource for information on Assisted Living places in Minnesota.



- Click on “Seniors”
- Click on “Housing” (under more topics)
- Click on “Supportive housing”
- Pick a topic

- If you can, ask people living there now what they think

What are my rights as an Assisted Living resident?

You are protected by a number of laws that include regular landlord tenant law.

For example:

- 1) You have to pay rent and can't break the rules of your lease.
- 2) Your landlord has to make repairs to your unit. See our fact sheet [Getting your Landlord to Make Repairs.](#)
- 3) Your landlord must follow fair housing laws. This includes reasonable accommodations or making changes to your unit if you need them. See our fact sheet [Do You Need your Landlord to Make a Change Because of Your Disability?](#)

- 4) You have the right to effective communication. This means you have the right to information in a way that you understand best. This might be another language, or braille or an ASL interpreter.
- 5) You can't be evicted without your landlord filing a case in court. But be sure to read your lease carefully. Many people do not realize that an Assisted Living landlord can end your lease with proper notice.
- 6) Your landlord CAN end the services contract with a 30-day notice, but you have the right to keep living there and bring in your own services. There are some limited exception to this.
- 7) You are protected by the Home Care Bill of Rights found in MN statute [144A.44](#) and [144A.441](#). Starting in January 2020, you also have the right to put a camera in your room to monitor your safety. You have to give them a completed "notification and consent" form. There are limited exceptions to having to tell.
- 8) You can't be retaliated against. If you, a family member, or anyone looking out for you makes a complaint, files an abuse report, or stands up for your rights, the assisted living place, and/or any of the employees can't do things to get back at you because of it.
- 9) If there is a maltreatment investigation and it finds that you have been a victim by your home care provider, you can sue to get for the harm you suffered OR you may be able to get up to \$5,000 from the government, depending on the situation. This option ends July 31, 2021.



- Nursing Home Rules -

Nursing Homes (Skilled Nursing Facilities)

Nursing Homes are different than Assisted Living places. They have extra laws and protections. Medicare might pay for part of your stay. Medicare does not pay for Assisted Living services.

Another difference is that Medical Assistance rules change for Nursing Homes. Call the Senior Linkage Line at 1-800-333-2433 for more information about nursing homes.

What are my rights as a nursing home resident?

Regular tenant rights apply, AND you have even more protections.

There are only 6 reasons you can be discharged from the facility:

- 1) Your health improves
- 2) The facility closes
- 3) You owe rent
- 4) You are unsafe
- 5) Others are unsafe if you are there
- 6) The facility can't meet your needs

The Health Care Bill of Rights protects you against being forced to take medications or treatments that you refuse. Starting in January 2020, it also gives you the right to put a camera in your room to monitor your safety. You can't be retaliated against. If you, a family member, or anyone looking out for you makes a complaint, files an abuse report, or stands up for your rights, the nursing home, and/or any of the employees can't do things to get back at you because of it.

You can read the Health Care Bill of Rights in [Minnesota Statute 144.651](#).

If you need to make a complaint:

- Talk to your Assisted Living/nursing home facility. You might be able to clear it up with them and fix the problem.
- Call a MN Ombudsman for Long-Term Care
651-431-2555
- Call the MN Office of Health Facility Complaints
651-201-4201
- Call your local Legal Aid office
612-334-5970 for Hennepin and Anoka County



Need help or more information? Senior Linkage Line 1-800-333-2433

This fact sheet is funded in part by the Metropolitan Area Agency on Aging and the Older Americans Act.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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