



# Assisted Living and Nursing Home Laws in Minnesota

Assisted Living and Nursing Homes can seem similar. You can call the Senior LinkAge Line at 1-800-333-2433 for information about a care setting.

## - Assisted Living -

Assisted Living is rental housing that offers services like daily meals, housekeeping, help with daily living, recreation activities or emergency call services.

Assisted Living can include:

- home and facility settings
- retirement communities
- memory care and hospice care
- independent apartments 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.

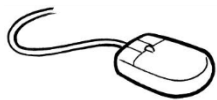
### Things to Think About if You Are Looking at Assisted Living

- Not all Assisted Living places take payments from government programs. Make sure you check.
- 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 assessment.
- 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 can pay for services you need, but you may need to pay for rent and food. Some people may be able to get help from Housing Support. To use Housing Support, your Assisted Living needs to keep rent and food below \$934 a month.
- MA has an asset limit. 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 use your income and assets for your goals.

### How do I choose Assisted Living?

- Think about what services you want and where you want to live
- [www.minnesotahelp.info](http://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 have regular tenant rights.

- You have to pay rent and can’t break the rules of your lease.
- Your landlord has to make repairs to your unit. See our fact sheet [Getting your Landlord to Make Repairs.](#)
- 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?](#)
- You can’t be evicted without your landlord filing a case in court.

You also have additional protections.

- If your Assisted Living ends your service contract, you may keep living there and bring in your own services.

- You can put a camera in your room to monitor your safety. You have to give the Assisted Living or long-term care ombudsman a signed form. You may find forms at [health.state.mn.us/facilities/regulation/emonitoring/](http://health.state.mn.us/facilities/regulation/emonitoring/).
- Starting August 1, 2021, you can ask for a hearing if an Assisted Living ends your contract.
- If you 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 its employees can't do things to get back at you.
- You have the right to get information in a way that you understand best. This might be in another language, including braille or ASL.

### - Nursing Homes -

Nursing Homes are different than Assisted Living. They have extra laws and protections. Medicare might pay for part of your stay.

Medical Assistance (MA) can also help pay for Nursing Homes.



#### **What are my rights as a nursing home resident?**

You have regular tenant rights. You have the rights listed above for Assisted Living. You also have more protections.

There are only 6 reasons you can be discharged from a Nursing Home:

- 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.

**If you need to make a complaint:**

- Talk to your care facility. You might be able to clear it up with them and fix the problem.
- Call a MN Ombudsman for Long-Term Care  
1-800-657-3591
- Call the MN Office of Health Facility Complaints  
1-800-369-7994



**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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