



Assisted Living and Nursing Home Laws in Minnesota

Is there a difference between Assisted Living and Nursing Homes?

Assisted Living and Nursing Homes can seem really similar. This fact sheet talks about some of the differences. Call the Senior LinkAge Line at 1-800-333-2433 for information about a care setting and what is best for you.

- Assisted Living -

What does Assisted Living offer?

Assisted Living offers housing and 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



The average cost for Assisted Living is about \$5,500 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 usually takes 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 a state program called Housing Support. To use Housing Support, your Assisted Living needs to keep rent and food below \$1,170 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.
- If you can, ask people living there now what they think about living there.
- www.minnesotahelp.info is a great resource for information on Assisted Living places in Minnesota.



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

What are my rights as an Assisted Living resident?

You have strong rights under law. These include:

- regular tenant rights – see our booklet [Tenant’s Rights in Minnesota](#)
- the right to the care and services you need
- the right to be treated with courtesy and respect
- freedom from maltreatment or abuse
- the right to make your own life choices
- the right to privacy
- the right to have your personal and health records kept private

See our fact sheet [Assisted Living Bill of Rights](#). Some of the main rights under it are:

- Before you move into an assisted living facility, there must be a contract. The contract should list everything that you agree to about your housing and services and how much it costs. You and the facility sign the contract.

- When you sign the contract, you should name a “designated representative.” This person helps you, gets notices about things that could affect you, and advocates for you if needed. Name someone you trust.
- You have the right to complain about your housing and services. You have a right to know who on facility staff you should complain to. You must get a response within a reasonable time.

What if I am unhappy with my current Assisted Living place?

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 Mid-Minnesota Legal Aid 612-334-5970 for Hennepin County or 1-877-696-6529 toll free.



Other Rights and Protections

- Assisted Living Facilities must be licensed. This includes ones that offer memory or dementia care. Check with the Minnesota Department of Health to make sure the place you are thinking about is licensed. Call them at 651-201-4200 or email them at health.assistedliving@state.mn.us.
- They can only end your contract and ask you to leave for a few certain reasons, like:
 - you don’t pay the monthly charges
 - you violate what you agreed to in the contract
 - they can’t take care of you anymore because of a change in your health condition or conduct
 - your behavior interferes with the rights, safety or health of other residents or staff

- You have the right to appeal a contract termination. You appeal to an administrative law judge from the Minnesota Office of Administrative Hearings.

You can appeal for things like:

- there is a question if the contract termination is legal
 - you think they violated the law
 - you can fix the thing they want to end your contract over
 - you disagree that they can't take care of you any longer
 - you disagree that your behavior interferes with others' rights, safety, or health
 - the contract termination would put you at a great risk of harm
- If the Assisted Living Facility wants to end services they offer to you, you can still stay there if you bring in your own services at your own cost.
 - If you have to move out, they have to help you move to another place. They can't move you to a place that is not safe or a place that can't give you the services you need.
 - As long as your roommate agrees, you can put a camera in your room to monitor your safety. You have to give the Assisted Living Facility a signed form if you want a camera.

You can find forms at health.state.mn.us/facilities/regulation/emonitoring/. This web page has information and links to different forms for different situations.

- 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

Nursing Homes 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 many of the same 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

There is a [Health Care Bill of Rights](#) in Minnesota law. It protects you against being forced to take medications or treatments that you refuse.

To Make Complaints about your Assisted Living or Nursing Home:

- 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



For help or more information

Senior Linkage Line 1-800-333-2433

This fact sheet is funded in part by Trellis and the Older Americans Act.

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

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