



THE 2019 LEGISLATIVE SESSION

**PREVIEW
AND
PRIORITIES**

LEADING CHANGE



CHANGING LIVES

2019 LEGISLATIVE SESSION PREVIEW AND PRIORITIES

Hopeful Lawmakers Begin 2019 with a Budget Surplus and Optimistic Spirit of Collaboration

The 2019 Legislative Session began on Tuesday, January 8. It's a budget year, and issues are already emerging amongst top priorities for lawmakers: tax conformity, education, investments in infrastructure, elder abuse, and the restoration of the 7 percent cut to DWRS. Many of these priorities are considered unfinished business from the 2018 legislative session, which ended with a veto of the 1000-page omnibus bill containing nearly all provisions passed by the Legislature.

A new Governor and a new House majority could change the often-unproductive dynamics of the past few sessions. With 39 new House members – 34 Democrats and 5 Republicans – advocates will have to work fast to bring new lawmakers up to speed. Republicans survived a special election to maintain a 34-33 majority in the Minnesota Senate. Notably, Minnesota the only state in the country under divided legislative control.

In this budget year, lawmakers are optimistic but cautious as they enter session with a \$1.5 billion budget surplus. Democratic Governor-Elect Walz and incoming Speaker of the House Melissa Hortman have both noted that this forecast does not include inflation. Walz and his DFL colleagues also warned about using one-time money, which makes up a sizeable chunk of the surplus, to fund ongoing investments.

Republicans lauded the forecast as proof of the sound budgeting decisions over the last biennium and said it should put to rest any discussions of new tax increases.

Despite the differing perspectives, leaders have asked their colleagues to think differently about how they govern moving forward. Rather than viewing governing as a game where you try to score points against the other team, Speaker Hortman has asked fellow lawmakers to “take off our blue jerseys and red jerseys and put on our Team Minnesota jerseys.”

Here are a few notable dates during the 2019 legislative session:

- January 7th – Governor-Elect Tim Walz sworn into office
- January 8th – Legislators sworn into office; 2019 legislative session begins
- February 19th – Deadline for release of Governor's budget proposal
- Last week of February – Expected release of February Budget Forecast
- March 12th – LeadingAge Minnesota's Day at the Capitol
- May 21st – 2019 regular session ends (constitutionally required)

LeadingAge Minnesota looks forward to another productive session with our partners in the Long-Term Care Imperative. Together at the Capitol, we advocate for policies that help us to provide better care for the seniors we serve and their caregivers.

As you know, soon one of every four Minnesotans will be over the age of 65. In just one year we will have more people age 65+ than school-aged children.

No person should spend his or her retirement years alone, lacking adequate care, support or housing.

It's going to take a lot of us, working together, to ensure Minnesota is ready to care for our seniors and embrace the wisdom, experience and spirit they have to offer. We look forward to sharing our message with lawmakers throughout the 2019 Legislative Session.

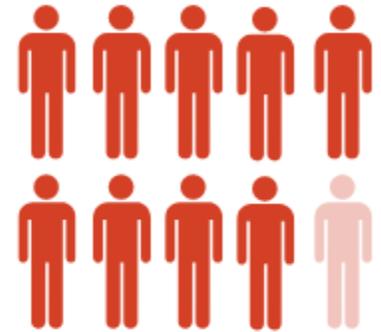
2019 Legislative Priorities



Minnesota's senior population will grow by 56% between 2015 and 2030



Minnesota will need 25,000 additional professional caregivers in the next 10 years



Nearly 90% of Minnesotans believe seniors have a right to housing, care and support



It's critical that seniors have access to a broad range of services that will help them live in the all places they call home as long as possible.

Fund Quality Care

- Reform the Elderly Waiver payment system to meet the current and growing demand for care, services and support for middle and lower income seniors who reside in assisted living or receive home and community-based services
- Support reform of outdated property payment system to ensure much needed investments in infrastructure and physical plant improvements in the state's outdated and aging nursing homes
- Restore 7% cut in funding for Disability Waiver Rate System (DWRS)



We all benefit when professional caregivers have opportunities to join this valued profession, continue their education and advance in their careers.

But right now, across Minnesota, there is a profound shortage of professional caregivers at the same time as the state's elderly population continues to grow.

Address Workforce Challenges

- Expand Home and Community-Based Services Scholarship Grant program to cover loan forgiveness
- Invest in Career Kickstarter Campaign to fund training wages and retention bonuses for Certified Nursing Assistants and Home Health Aids

2019 Legislative Priorities

Seniors should be able to live independently for as long as they are able, with access to the safe, quality care options they need in the communities they call home.

Protection of vulnerable adults lies at the very core of our work and is best accomplished through partnership. We should work together to ensure that we have system that balances the values of independence and choice with the values of safety and protection.



Assisted Living Licensure

- Combine all Assisted Living regulations into one chapter of law
- Require license for a single entity responsible for all services
- Require specific criteria for evaluation, disclosure, and service termination
- Increase dementia care standards



**ALLOW
ELECTRONIC
MONITORING
IN ALL
SENIOR CARE
SETTINGS**



**DEFINE MINIMUM
QUALIFICATIONS
FOR THOSE
OPERATING
ASSISTED LIVING
FACILITIES**



**ESTABLISH
SAFETY AND
QUALITY
TECHNICAL
IMPROVEMENT
PANEL**

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Funding Quality Care

The challenges caused by this unprecedented growth in our senior population will touch the lives of nearly every Minnesotan. Eighty-three percent of Minnesotans believe the state is not ready to provide the care and services that the growing senior population will need, and two-thirds believe the state is lagging in funding for senior services. It's critical that seniors have access to a broad range of services that will help live in their homes and the communities they love for as long as possible and that they receive quality care and support from skilled, compassionate caregivers as their needs evolve.

Caregivers play a critical role to ensure our seniors get the care they need and deserve. The State of Minnesota should partner with providers to help grow the pool of employable caregivers and invest resources to help retain professional caregivers in senior services.

Elderly Waiver Reform

The Issue: Elderly waiver rates, for both community and residential services, are based on historic payments to providers and have not been updated to reflect the actual cost of providing services to a growing population of seniors with greater needs. Because of chronic underpayment for elderly waiver services, many providers do not serve clients who are on the program, creating limited access to these vital services that can reduce the use of more expensive levels of service.

Proposed Solution: In 2017, the LTC Imperative proposed to update Elderly Waiver rates based on the actual cost of providing services. That system began implementation on January 1, 2019, but only as 10 percent of the rates. In our 2019 agenda, we propose to move toward full implementation of those new rates, as well as implementing a series of proposed changes to the rate methods that are based on a DHS study conducted over the last several months.

Care Center Property Rate Reform

The Issue: The property payment system for care centers has not been fully overhauled since the 1980s, and over time it has become increasingly convoluted and disconnected from paying for the actual value of the environment experienced by residents. The 2015 legislation that overhauled the operating payment system called for a study of the property payment system, which has been completed but nothing has yet been implemented based on it.

Proposed Solution: In the Long-Term Care Imperative's 2019 agenda, we support the implementation of an updated property payment system that responds to the needs of current and future consumers while providing improved understandability and workability for providers and DHS. The new system would pay property rates that are based on the appraised depreciated value of the building, with incentives to make investments that improve the provider payment and consumer experience.

Disability Waiver Rate System (DWRS)

The Issue: In 2018, the Centers for Medicare and Medicaid Services (CMS) rejected the state's approach to updating the DWRS rates. The impact of that rejection was a cut of 7 percent in rates under DWRS on July 1, 2019 that applied to non-residential services that were not subject to banding. That cut would have been avoided by legislation that the Governor vetoed.

Proposed Solution: The LTC Imperative supports legislation to restore the 7 percent cut for the affected services, including adult day services under DWRS.

Addressing Workforce Challenges

We all benefit when professional caregivers have opportunities to join this valued profession, continue their education and advance in their careers. But right now, across Minnesota, there is a profound shortage of professional caregivers at the same time as the state's elderly population continues to soar. Over the next decade, we will need an additional 25,000 caregivers to meet the caregiving demands of our fast-growing aging population. Unfortunately, we are moving in the wrong direction -- in the last year we, have lost ground with the number of certified nursing assistants in our state.

Caregivers play a critical role to ensure our seniors get the care they need and deserve. The State of Minnesota should partner with providers to help grow the pool of employable caregivers and invest resources to help retain professional caregivers in senior services

Career Kickstarter Campaign

The Issue: Currently, in most cases, individuals who wish to become a certified nursing assistant must cover the costs of training and certification out of their own pockets. Typically, these individuals are not earning any type of training wage during the certification process. This can be a deterrent from entering the caregiving profession.

Proposed Solution: The Long-Term Care Imperative proposes that the state establish a registered nursing assistant kickstarter program to provide funding for training, recruitment and retention of nursing assistants. The nursing assistant kickstarter program will incentivize the development of in-house nursing assistant training programs, reimburse training costs, reimburse wages paid during training, and reimbursement recruitment and retention bonuses. The goal is to grow the available pool of professional caregivers to help care for a growing aging population.

Expand Home and Community-Based Services (HCBS) Grant Program

The Issue: The current HCBS employee grant program helps fund scholarships for nursing or other health education for employees working for home and community-based services providers. However, student loan repayment is not currently an eligible expense to be covered by this program. By contrast, the state-funded scholarship program for employees of nursing facilities does allow for coverage of student loan repayment.

Proposed Solution: The Long-Term Care Imperative proposes that the state include student loan debt forgiveness as an eligible use under the HCBS scholarship program.

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Providing Safe, Quality Care for the Seniors We Serve

More than half (53 percent) of Minnesotans are currently receiving senior services or has a family member or spouse receiving support in either in a residential setting such as a nursing home or assisted living community, or while living at home and receiving community-based services. Protecting Minnesota's seniors from harm is a community responsibility — from senior care providers, and seniors and their families to law enforcement and state regulators.

No individual group has all the answers, but when we all work together seniors will retain their independence, feel safer living in the communities and have options to help them age well, families will regain confidence in the care of their loved ones, and professional caregivers will be supported, valued and renewed by the common effort to improve care and services. A broad coalition has been working together to identify solutions that will balance the values of independence and choice with high standards for safety and protection.

Assisted Living Licensure

The Issue: Minnesota has been nation-leading in fostering a continuum of care model to meet the needs for medical care, housing, and supportive services of people of all ages and all levels of functional status. Assisted living settings are an important part of our continuum of care, providing a variety of care options for individuals as they age.

As our care system has developed over time, there has also developed a complex and fragmented regulatory scheme that has created gaps in consumer protections and has led to uneven oversight and enforcement. A new regulatory approach to assisted living that creates a single licensure structure for assisted living settings will help address these concerns.

Proposed Solution: LeadingAge Minnesota supports legislation in 2019 that would establish an assisted living license structure. Key principles that should be included in this legislation are as follows:

- Everything related to assisted living should be placed into one chapter of law and enforcement streams should be clarified and simplified.
- Any level of services beyond housing should require some level of regulation, beyond simply registration.
- The level of regulation should be appropriate to the mix of services offered, the level of need and complexity of the people being served, and the degree of consumer control over their choices in a setting.
- Supportive services and healthcare services should be statutorily defined.
- Consumers should retain the ability to age in place where possible, which includes the ability to bring in added services to their place of residence within reasonable limits.
- Providers should retain the ability to tailor what they offer.

Based on these principles, LeadingAge Minnesota proposes that the licensure framework establish four different levels of licensure. The provider would apply for the highest level of license for the services it wishes to offer.

1. Level One would be Housing with Supportive Services only.
2. Level Two would be Assisted Living Basic, offering health care services defined as basic in the home care licensure law.
3. Level Three would be Assisted Living Comprehensive, offering health care services defined as comprehensive in the home care licensure law.
4. Level Four (or certification in addition to AL licensure) would be for dementia and memory care services or units.

The proposed assisted living license should address the following elements:

- Physical plant requirements
 - Both minimums (e.g. sprinklers) and criteria for new construction (e.g. accessibility needs)

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- Specific criteria for client evaluation and admission procedures
- Specific requirements for disclosures to prospective clients/residents
- Lease or Service termination requirements including appeal rights and requirements for transfers to new care settings
- Applicable standards would be applied to all, or a portion of a building, where services are provided.
- One licensed entity will be responsible for regulatory compliance for all services offered by the facility or provider, even if subcontracted to other organizations (housing, health care services, support services, etc.)

Electronic Monitoring

The Issue: The use of hidden electronic monitoring systems is becoming increasingly more common in senior care settings. In many respects, Minnesota's law has not kept up with the available technology. Monitoring may be especially helpful in preventing and/or identifying abuse, neglect or other forms of maltreatment, and in holding perpetrators accountable. However, we must also keep in mind that residents and clients have fundamental privacy rights, and providers have an important role to play in protecting those rights. Minnesota law should be updated to address the use of remote electronic monitoring in senior care settings.

Proposed Solution: We support passage of electronic monitoring legislation that clearly articulates the resident's right to install an electronic monitoring device, requires written consent of the client/resident/patient being recorded (as well as any roommate sharing the same living space when appropriate), with such consent required to be shared with the licensed health care provider prior to the initiation of remote electronic monitoring.

Qualifications

The Issue: Knowledge and leadership are essential to achieving quality in any organization. While most organizations strive to educate and support the development of their housing managers, executive directors or RN's who may be responsible for both housing and home care, the only current requirement in Minnesota is that "the person designated as having primary responsibility for oversight and management of a housing with services establishment, must obtain at least 30 hours of continuing education every two years of employment in topics relevant to the operations of the housing with services establishment and the needs of its tenants." Dementia care training is also required and can be included in the required 30 hours.

As of 2017, 42 States had higher requirements for managers of assisted living settings.

Proposed Solution: Several requirements for assisted living managers will be included in the proposed assisted living licensure law. It is anticipated that age, basic education, and experience requirements will be introduced. A training or certification requirement, like that offered by LeadingAge Minnesota, will likely be added to assure leaders are equipped with basic knowledge of Minnesota law and resources to comply with those laws. It is also anticipated the Minnesota Board of Nursing Home Administrators may be designated to approve certification courses. As is true in several other states, Licensed Nursing Home Administrators will likely be deemed to meet the requirements without further training or testing.

Prevention

The Issue: Addressing concerns related to elder abuse and maltreatment require a multifaceted approach. In addition to efforts to strengthen regulations and compliance efforts, the state must focus attention and resources to help enhance prevention efforts that are taking place in settings every day throughout Minnesota.

Proposed Solution: The Long-Term Care Imperative supports legislation that would establish an expert technical panel to examine and make recommendations, on an ongoing basis, on how to apply proven safety and quality improvement practices and infrastructure to settings and providers that provide long-term services and supports.

Spotlight on Workforce

Caregivers Play a Critical Role in a Life Well Lived



All of Minnesota benefits when people have the opportunity to join the valued caregiving profession, continue their education and advance in their careers. Face Aging MN will focus on elevating the critically essential and profoundly rewarding career of professional senior care.



Raising Awareness

MN is Not Ready for the Emerging Senior Boom

No person should spend their retirement years alone, lacking adequate care, support or housing. Face Aging MN will continue to raise awareness of the wide-ranging implications of its fast-growing aging society.

Safety. Quality.

Working Together to Protect Minnesota Seniors



Protecting Minnesota's seniors from harm is a community responsibility. No individual group has the answer, but Face Aging MN will share resources and the work people are doing together to help seniors feel safe, retain their independence, and have a voice and options in aging well.



TAKE ACTION

Be an advocate for the seniors you serve
and their caregivers



Enter your contact information
to take action now!

Send an email to your officials with
one click!

Mr. *	Full Name *
Email (jsmith@email.com) *	
Mobile Phone	?

GET INFORMED

Capitol Conversations
Get weekly updates from
the Capitol delivered to
your inbox

GET INVOLVED

Day at the Capitol
Save the Date!
Join us for a day of
advocacy on March 12

GET ENGAGED

Take Action
When you get action alerts,
contact your lawmakers
with the click of a button