

Bulletin

NUMBER
#19-25-04R

DATE
September 15, 2020

OF INTEREST TO

Hospital Administrators/Planners
Certified Health Care Homes
County/Social Services Directors
MnCHOICES Assessors
Registered Housing with Services
providers
Tribal Health Directors
Senior LinkAge Line
Managed Care Organizations
Office of the Ombudsman for
Long-Term Care

ACTION/DUE DATE
Provide people with
Long Term Care Options
Counseling. Implement
service delivery model.

EXPIRATION DATE
October 30, 2021

Help for People Moving to Registered Housing with Services – Senior LinkAge Line®

TOPIC

Minnesota Statutes, section 256B.0911 includes decision-making support for people with current or anticipated long-term care needs who are considering housing with services or assisted living as an option to meet those needs. This support is provided through a partnership between Long Term Care Options Counselors and MnCHOICES assessors.

PURPOSE

Summarize the legislation and service implementation model. Update on partner roles and responsibilities.

CONTACT

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SIGNED

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language

I. Background

The Long Term Care Consultation (LTCC) program governed under Minnesota Statutes, section 256B.0911, provides decision-making support and other assistance to individuals of all ages with long term or chronic care needs. Under the LTCC program, lead agencies provide assessment and community support planning activities, provide information about community-based services and support options, and provide access to Medical Assistance, Alternative Care and Essential Community Supports funding for home and community based services (HCBS) for qualifying individuals. Lead agencies include counties, and tribes and managed care organizations with contracts with the Department of Human Services (DHS) for LTCC services.

Minnesota Statutes, section 256B.0911, subdivision 3c includes the provision of transitional consultation and other assistance to individuals considering a move to assisted living or other Registered Housing with Services settings. The purpose of the consultation is to support a person with current or anticipated long-term care needs in making informed choices among options that include the most cost effective and least restrictive settings, and by connecting them to alternative services in their homes before a transition to Housing with Services.

A. Consultation for Housing with Services

The legislation authorizing transitional consultation, called Consultation for Housing with Services, also integrated Long Term Care Options Counseling provided by the Senior LinkAge Line with the LTCC services provided by counties, tribes, and managed care organizations, and provides funding to support this partnership. Options Counseling and LTCC both include activities designed to support people in making informed choices among long term service and support options. Options Counselors also refer individuals for in-person MnCHOICES/ LTCC assessment and community support planning, as well as to access public funding for long term care services and supports.

B. Transitional Consultation

Beginning with the initial legislation adopted in 2007, and throughout subsequent amendments, Minnesota Statutes, section 256B.0911, subdivision 3c has also required that all providers offering or providing assisted living services (and later all Housing with Services) inform all prospective residents of the availability of and contact information for consultation services prior to executing a lease or contract with the prospective resident.

The legislation requires the provision of Consultation for Housing with Services to all prospective residents, with the exception of individuals seeking a lease-only arrangement with a subsidized housing provider and verification of consultation, is required prior to executing a lease or contract with any Registered Housing with Services Provider.

The Minnesota Legislature further expanded the service in 2012 to include referrals to the Senior LinkAge Line for Long Term Care Options Counseling from certified health care homes and hospitals for older adults at-risk of nursing home placement. The commissioner of the Minnesota Department of Human Services (DHS) worked directly with the commissioner of the Minnesota Department of Health to develop the protocols to comply with the statute and also to comply with the health care home designation criteria. Additional amendments also extended the exemption from verification of counseling to additional individuals as described in section III.A below

II. Consultation for Housing with Services

This service model contains the following elements:

- Prospective residents receive consultation and verification of consultation prior to signing a lease or contract as of October 1, 2011;
- The service is provided within five working days of the request by the prospective resident;
- All Registered Housing with Services settings (not only those offering assisted living) inform prospective residents of the availability of, and contact information for, consultation service; and
- All Registered Housing with Services settings receive verification of consultation prior to signing a lease or contract, as of October 1, 2011, and maintain a record of the verification in the resident's file.
- People receiving or being evaluated for hospice services from a hospice provider licensed under sections Minnesota Statutes, sections 144A.75 to 144A.755 or people who have used financial planning services and created a long-term care plan as defined by the commissioner of the DHS in the 12 months prior to signing a lease or contract with a Registered Housing with Services establishment, are exempt from verification of counseling requirements.

A. Implementation Model

The Long Term Care Options Counseling and LTCC model provides access to services provided by the Senior LinkAge Line and lead agencies for prospective residents of Registered Housing with Services. The combined service is designed to ensure that prospective residents of Registered Housing with Services have information about their options before signing a lease or service contract.

The following points provide additional information about the model:

- People considering a move to a Registered Housing with Services setting must call the Senior LinkAge Line directly at 1-800-333-2433. Registered Housing with Services providers and consumers should press Option 1 when calling in for this service. Registered Housing with Services providers do not use the [online referral site](#) for these referrals.
- Telephone-based Long Term Care Options Counseling service is performed by the Senior LinkAge Line staff in partnership with lead agencies, who provide the in-person assessment and support planning.
- Senior LinkAge Line specialists will use the evidence-based Live Well at Home Rapid Screen© with prospective residents to determine how well callers are managing activities of daily living, and whether they have access to caregivers and other resources to support daily living. The screen results in a score that determines the person's risk of nursing home placement. Those whose result is "high or moderate risk" will be referred to the lead agency for a MnCHOICES/ LTCC assessment.
- Some Senior LinkAge Line contact centers also refer low risk individuals if there is agreement with the local county to make these referrals.
- The Medicaid Management Information System (MMIS) auto-generates verification codes when face-to-face assessments and reassessments have been completed and entered into MMIS.

- Callers who receive the counseling and are interested in participating in evaluating the effectiveness of the intervention are offered follow-up after the initial call. This allows specialists to capture additional information about consumer decision-making.
- Certified health care homes, hospitals and Registered Housing with Services providers shall use materials to inform individuals of the Long Term Care Options Counseling available through the Senior LinkAge Line.

B. Service Delivery Model

Senior LinkAge Line contact centers are required per Minnesota Statutes, section 256B.0911, subdivision 3c (b) to assist consumers within five business days. The current standard of the Senior LinkAge Line system is to respond to all requests for assistance within one business day. Senior LinkAge Line options counselors will assist consumers calling for this service by doing the following:

- Review the person's current situation based on their values and preferences
- Review service options, including receiving services at home as an alternative to moving to Registered Housing with Services
- Connect people to services that are available and can meet their needs
- Compare financing options that may be available to help pay for their long-term care services
- Provide a verification number to be provided to the Registered Housing with Services Setting •
Follow-up with the person to ensure their needs have been met

Registered Housing with Services providers Step-by-Step protocols are available to all Registered Housing with Services providers on the [Senior LinkAge Line website Step-by-Step protocols](#) are also available to all lead agency staff.

C. Representative

Senior LinkAge Line will always strive to speak to the person if at all possible. However, some people have a designated representative who can and would like to receive the verification code on behalf of the consumer. While the Senior LinkAge Line may be required to request copies of legal documentation authorizing an individual in some instances, documentation is not required if:

- The person provides verbal permission for the representative to speak on their behalf or
- The Registered Housing with Services setting can, in good faith, verify the representative has the authority to act on behalf of the person.

In the event that a person cannot speak to a Senior LinkAge Line specialist due to incapacity, the following people have the authority to seek the verification code for the person:

1. Legally authorized persons which includes legal guardians, a health care power of attorney (health care proxy), limited or general power of attorney (known as an attorney-in-fact)

2. Those that are considered the resident's designated representative on the housing with services contract and are identified as such per Minnesota Statutes, section 144D.04, subdivision 1 - Housing with Services Contracts and subdivision 2 – Contents of contract.

Senior LinkAge Line staff will do the following to verify the representative:

1. Ask the caller if they are signing the lease or service contract as the prospective resident's designated representative. The housing with services setting must provide verbal or written confirmation to the Senior LinkAge Line specialist of this authority. The prospective resident can also provide this verbal confirmation.
2. Record that the staff received the verbal or written release and the role of the individual (prospective resident's designated representative or other legal representative.)
3. If the specialist is told no, verbal permission is not granted, or if the documentation is not available, the caller will be referred to the lead agency MnCHOICES/ LTCC assessor for an assessment and the resulting verification code.

If a person is not incapacitated, and does not want to have the conversation with the Senior LinkAge Line but instead prefers to have a family member or friend receive the counseling and the verification code, they may do so. The consumer should be encouraged to give verbal permission over the phone to the Senior LinkAge Line specialist.

D. People Who Decline Counseling

People may contact the Senior LinkAge Line and choose not to receive the Long Term Care Options Counseling. These individuals will be provided the verification code. However, the Senior LinkAge Line staff will collect the following to mail a copy of the verification code:

- Reason why the consumer is refusing the Options Counseling
- First and last name of the consumer
- Date of birth
- Complete address of the consumer, including, city, state and zip code

Senior LinkAge Line will collect the above information to mail a copy of the verification code to the consumer.

E. Generation of Verification Code

Senior LinkAge Line staff will generate the verification of counseling through the issuance of a code. Senior LinkAge Line staff will track information about Long Term Care Options Counseling services, including the referral source of the caller, information about the person requesting this service, and outcomes.

The Senior LinkAge Line staff will provide the verification code over the phone to the prospective resident as well as mail a copy of the code through the U.S. postal mail for the consumer's personal record. Per Minnesota Statutes, section 256B.0911, subdivision 3c (c)(2), each prospective resident must receive the

verification code prior to signing or executing a lease or contract with a Registered Housing with Services setting.

Assessors will provide the generated code to the consumer after they have completed the MnCHOICES or LTCC in-person assessment, and have entered the assessment into MMIS (LTC SDOC). When the LTC SDOC is approved in MMIS, a verification code is auto-generated. Assessors should use this generated code in the Residential Services rate-setting workbook used for HCBS program participants as well.

How does the verification code field work in MMIS?

- The field is on the ALT1 screen of the LTC screening document.
- It is a protected field and cannot be changed once populated by MMIS.
- The field is only populated when the activity type is 02, 04, 06, or 08 (indicating an in-person assessment), the activity type date is 9/01/2012 or later and the document has an approved status.
- The value begins with LA followed by the activity type date (MMYY) and then the next assigned five digit number. The code is a total of 11 digits.
- When the document is saved, it will transfer a copy of the value to all previously approved saved LTC screening documents as well as to all future approved LTC screening documents.
- If the document that develops the field is later deleted and a new document entered in its place, the new document will continue to have the same value as the deleted document.
- The verification code does not change and does not expire. Once a client receives a verification code, they do not need another one.

The lead agency that completed the assessment will mail the code to the consumer, so the consumer has a record of the code and can provide a copy of the code to the Registered Housing with Services setting if they decide to move.

F. Verification Code

- Once a verification code is generated for a consumer, the code will never expire.
- Persons who move from an existing Registered Housing with Services setting to a new Registered Housing with Services Setting, or to a new building within a campus setting, do not need to call and get a new verification code if they have previously obtained a code.
- Should the person misplace their verification code, they will need to call the entity that generated the code to get a copy of the code.

Examples of requests to obtain a verification code under differing scenarios:

- Individual moved into a Registered Housing with Services setting in Duluth in December 2016. Individual obtains verification code from the Senior LinkAge Line.

- Individual moved into a Registered Housing with Services setting in July 2011. Later, when the individual moves into a new Registered Housing with Services setting on February 6, 2017, they would need to call and obtain a verification code prior to signing or executing the lease with the new Registered Housing with Services setting because the original move did not require a consultation.
- Individual moves from Wisconsin to a Minnesota Registered Housing with Services setting. This individual would need to call and obtain a verification code if they sign a lease or execute a contract on or after October 1, 2011. This individual is a prospective resident in a Minnesota Registered Housing with Services setting.
- Individual has a short stay intended to provide relief or respite for a caregiver at a Registered Housing with Services setting on or after October 1, 2011, the individual would need to call and obtain a verification code. Once the individual receives the verification code, they will never need to obtain an additional code.
- Individual has a skilled nursing facility admission and then moves into a Registered Housing with Services setting on or after October 1, 2011. The individual would need to call and obtain a verification code, unless they received an in-person MnCHOICES. In this situation the individual would have received a verification code from the assessor.
- Individuals who have a spouse/partner must each obtain a verification code if they move as a couple into a Registered Housing with Services setting on or after October 1, 2011.
- Individual who enters a Registered Housing with Services setting on or after October 1, 2011 immediately following an emergency room visit or hospital admission will need to obtain a verification code prior to signing or executing a lease.
- Individual moves into a subsidized housing setting that meets the definition in III.C. The individual had entered into a lease only arrangement and is now in need of services. This individual is required to call and be offered Long Term Care Options Counseling or an in-person MnCHOICES and receive verification of counseling.

III. Exemptions and Special Conditions for Consultation for Housing with Services

A. Individuals who DO NOT Need to Contact Senior LinkAge Line for Verification

The following people do not have to contact the Senior LinkAge Line for Options Counseling or verification.

1. Individuals who signed a lease or service contract prior to October 1, 2011 do not need to receive Long Term Care Options Counseling or seek verification. They are not considered prospective residents. However, when they sign a new service contract, they will be required to call the Senior LinkAge Line.

2. Individuals renewing a lease who reside in an existing setting on and after October 1, 2011, will not need to call for Long Term Care Options Counseling or seek verification. They are not considered prospective residents since they already reside in the Registered Housing with Services setting.
3. Individuals who are entering into a lease-only arrangement with a subsidized housing setting (see definition below in section III.C.) do not need to receive Long Term Care Options Counseling or seek verification.
4. Individuals who are receiving or being evaluated for hospice services from a hospice provider licensed under Minnesota Statutes, sections 144A.75 to 144A.755; or
5. Individuals who have used financial planning services and created a long-term care plan as defined by the commissioner in the 12 months prior to signing a lease or contract with a Registered Housing with Services Establishment. A long term care plan must include the following:
 - a. A plan for covering incapacitation with the designation of proxies for financial or health care decision making,
 - b. A plan for financing, through means other than publicly funded programs, the rent and service costs of the prospective resident, for the Registered Housing with Services setting or assisted living establishment, including any projected increases in rent and service costs.
 - c. The plan must cover a period of 60 months, starting the month of the move
6. Individuals on Registered Housing with Services waiting lists: If the Registered Housing with Services setting has a waiting list, it is encouraged to alert individuals on the list of the need to call and receive Long Term Care Options Counseling now so they can be offered the Live Well at Home Rapid Screen[®], explore other options to meet their service needs and have an opportunity to be referred for a MnCHOICES.
7. Individuals participating in the Elderly Waiver (EW), Community Alternative Care (CAC), Essential Community Supports (ECS), Community Access for Disability Inclusion (CADi), Brain Injury (BI) or Alternative Care (AC) program: Consumers who had a MnCHOICES or reassessment after September 1, 2012 will have received the verification code from the assessor, as it is auto-generated in MMIS when assessment information is entered into the LTC screening document used for administration of these HCBS programs. Each person on a program listed will provide that verification code to a prospective Housing with Services provider prior to signing or executing a lease with a Registered Housing with Services setting, unless they are exempt as described above.
8. Individuals who have previously received a verification code, either from SLL or following a MnCHOICES in-person assessment.

B. Declaration of Exemption from Consultation for Housing with Services

A Registered Housing with Services provider must inform a prospective resident that, before signing or executing a lease, they must be offered Long Term Care Options Counseling. Providers should encourage a consumer to review the statutory exemptions to determine if the consumer meets any of the exemptions.

However, individuals that are exempt may also benefit from and/or request Options Counseling or an in person assessment.

People who choose to forego the consultation service under an exemption can complete a Declaration of Exemption form (developed by DHS and found at Senior LinkAge Line website) available from the Registered Housing with Services provider to sign, specifying which exemption they meet. Other options for declaring exemption can be considered and approved by corporate or company legal counsel and incorporated into daily business processes. A declaration of exemption is maintained by the Registered Housing with Services provider in the individual's record; a referral to the Senior LinkAge Line is not required.

C. Subsidized Housing Setting Exemptions

Minnesota Statutes, section 256B.0911 does not define subsidized housing. As a result, DHS staff consulted with stakeholders and housing experts and adopted the following definition of subsidized housing for purpose of implementing the consultation service:

The Quality Housing and Work Responsibility Act of 1998 at § 579(a)(2) (42 U.S.C. § 13664(a)(2)) defines the term federally "assisted" housing as public housing, tenant and project based section 8, section 202 (elderly congregate housing) of the Housing Act of 1959 (before and after the enactment of the Cranston-Gonzalez National Affordable Housing Act, section 811 of the Cranston-Gonzalez National Affordable Housing Act (disabled congregate housing), sections 221(d)(3) and 236 of the National Housing Act and section 514 or 515 (rural housing) of the Housing Act of 1949. At the state level there are also projects supported by 42 U.S.C. §§ 1437- 1437f. These are low-income housing assistance projects that have been funded with either the Low-Income Housing Tax Credits (Internal Revenue Code Section 42) and/or the Tax-Exempt Private Activity Bonds issued, fall under the jurisdiction of the Minnesota Housing Finance Agency, and are commonly referred to as subsidized or public housing.

The exemption for lease-only arrangements will apply to:

- Any Registered Housing with Service setting that falls under the definition of one of the federal or state assisted housing programs listed above and is required to register as a housing with services provider (mandatory), or
- A Registered Housing with Services provider that is not required to register but chooses to do so optionally under Minnesota Statutes, section 144D.025.
- People who have Tenant Based Section 8 Vouchers. Please make note that this exemption will apply to people who are using Section 8 vouchers (this is a federal program that provides a subsidy to an individual and not a setting) and therefore prospective residents with Tenant-based Section 8 Vouchers that are entering into lease-only arrangements do not need to call for Long Term Care Options Counseling and seek verification of counseling. However, unless the setting qualifies under one of the exemptions above, the setting itself is not exempt.

IV. Referrals from Hospitals and Health Care Homes

A. Implementation Model

The Long Term Care Options Counseling and LTCC model provides access to services provided by the Senior LinkAge Line and lead agencies for people referred by hospitals and health care homes and who are at risk for nursing facility placement. The service is designed to ensure these people have the proper supports to remain in their home or other community setting.

The following points provide additional information about the model:

- Upon permission from the patient, certified health care homes and hospitals make referrals to the Senior LinkAge Line through the [secure online referral site](#).
- Telephone-based Long Term Care Options Counseling service is performed by the Senior LinkAge Line staff in partnership with lead agencies providing MnCHOICES/LTCC assessment for at-risk individuals who directly contact or who are referred to the Senior LinkAge Line.
- Senior LinkAge Line specialists will use the evidence-based Live Well at Home Rapid Screen© with patients identified by certified health care homes and hospitals. The screen determines how well callers are managing activities of daily living, and whether they have access to caregivers and other resources to support daily living. The screen results in a score that determines the consumer's risk of nursing home placement. Those whose result is "high or moderate risk" will be referred to the lead agency for a MnCHOICES.
 - o Some Senior LinkAge Line contact centers also refer low risk individuals if there is agreement with the local county to make these referrals.
- Callers who receive the counseling and are interested in participating in evaluating the effectiveness of the intervention are offered follow-up after the initial call. This allows specialists to capture additional information about consumer decision-making.
- Certified health care homes, hospitals and Registered Housing with Services providers should use consumer materials to inform individuals of the Long Term Care Options Counseling available through the Senior LinkAge Line. Senior LinkAge Line staff will send the developed materials to the providers.

B. Service Delivery Model

Senior LinkAge Line contact centers are required per protocol developed with hospitals and health care homes to assist people within three days of receiving the referral. Senior LinkAge Line options counselors will assist people being referred for this service by doing the following:

- Review the individual's current situation based on identified areas that require follow-up as indicated by the certified health care home or hospital
- Connect people to services that are available and can meet their needs
- Compare financing options that may be available to help pay for their long-term care service

- Follow-up with the person to ensure their needs have been met.

V. Related Bulletins and Other Resources

- Bulletins issued within the last two years are available on the [Department of Human Services' Website](#).
- [Contact information for each Area Agency on Aging](#) is available at the Minnesota Board on Aging website.
- A listing of the statewide MnCHOICES/Long Term Care Consultation Administrative Contacts for all counties and tribes can be found at the [DHS website](#).
- A listing of the statewide Care Coordinators for all managed care plans that perform Long Term Care Consultation assessments for their enrolled members can be found at the [DHS website](#).
- More information about the MnCHOICES program, and community alternatives to facility-based services, can be found on [the DHS website](#).
- Statute governing the Long Term Care Consultation and Long Term Care Options Counseling [programs](#)

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-2500 (voice) or toll free at (800) 882-6262 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.