

# Guide to the Survey Process

## ASSISTED LIVING PROVIDERS

### Purpose of the Initial Survey for Provisional Licensees

Provisional licensees must pass an initial full survey within the provisional license period in order to be granted a license. Provisional licensees must notify the Minnesota Department of Health (MDH) when they start providing licensed assisted living services. An unannounced survey will occur after MDH is notified or has evidence that services have started.

During the survey, MDH surveyors will evaluate and monitor the care and services provided to residents and determine if the provider is complying with the requirements of the following statutes:

- [Minnesota Statute 144G: Assisted Living \(https://www.revisor.mn.gov/statutes/cite/144G/full\)](https://www.revisor.mn.gov/statutes/cite/144G/full)
- [Final Minnesota Rules Chapter 4659, ordered June 10, 2021 \(https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/hearing/orderadoptingrules.pdf\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/hearing/orderadoptingrules.pdf)
- [Minnesota Food Code Rules, chapter 4626 \(https://www.revisor.mn.gov/rules/4626/full\)](https://www.revisor.mn.gov/rules/4626/full)
- [Minnesota Statute 144.051: Data Relating to Licensed And Registered Persons \(https://www.revisor.mn.gov/statutes/cite/144.051\)](https://www.revisor.mn.gov/statutes/cite/144.051)
- [Minnesota Statute 144.6502: Electronic Monitoring in Certain Facilities \(https://www.revisor.mn.gov/statutes/cite/144.6502\)](https://www.revisor.mn.gov/statutes/cite/144.6502)
- [Reporting of Maltreatment of Vulnerable Adults \(if the provider is serving adults\) \(https://www.revisor.mn.gov/statutes/cite/626.557\)](https://www.revisor.mn.gov/statutes/cite/626.557)
- [Reporting of Maltreatment of Minors \(if the provider is serving minors\) \(https://www.revisor.mn.gov/statutes/cite/626.556\)](https://www.revisor.mn.gov/statutes/cite/626.556)

### Primary areas of focus

Any assisted living licensure requirements may be reviewed during the course of the survey; however, the focus is to determine whether care and services are provided to residents in accordance with accepted health care standards and Minnesota assisted living laws.

### Survey documents

Providers can find the documents used by MDH surveyors (and referred to throughout this guide) on the MDH Assisted Living program website. MDH encourages providers to use the survey documents to improve understanding of licensure requirements and conduct self-audits.

## Steps of the survey

### Entrance conference

When MDH surveyors arrive at the provider's location they will introduce themselves, ask to speak with the manager or nurse on duty, give an overview of the survey process and share a list of documents that will be requested during the survey. See the *Entrance Conference\_p5065* and the *Records Request\_p5036* forms for more information.

### Resident roster forms

One of the first items a surveyor requests is a list of current residents who are receiving licensed assisted living services and a list of discharged and deceased residents. MDH recommends that providers maintain the rosters daily so when MDH appears for a survey the rosters are ready. Providers can use the MDH sample forms or their own, as long as all information on the MDH sample is included.

#### **MDH sample roster forms:**

- Current Resident Roster (P5060)
- Discharged or Deceased Resident Roster (P5061)

### During the survey

#### **Observations**

Throughout the survey, MDH staff observe the care and services provided to residents. Surveyors look for whether providers are:

- Meeting the requirements in Assisted Living statute and rule,
- Meeting physical plant and life safety code requirements,
- Meeting MN Food Code requirements,
- Meeting CMS Appendix Z requirements,
- Following health care standards of practice,
- Following the provider's own policies and procedures, and
- Treating residents with dignity and respect.

#### **Interviews**

MDH conducts interviews with staff, residents and/or representatives. Interviews provide an opportunity for MDH staff to verify the information obtained from other sources such as family members, the Ombudsman for Long-Term Care and the Office of Health Facility Complaints.

#### **Facility tours**

MDH staff tour the building(s) to observe compliance with assisted living, physical plant and food code requirements.

Observations of the resident and staff may occur during a survey visit depending on what services are provided.

Observations during facility tours include, for example, review of the security and confidentiality of resident information and storage of medication (if provided).

### Review of documents

MDH staff review (and may scan and/or request copies of) the provider's documents, including items listed below. A complete list of required documents is on the *Entrance Conference\_p5065*.

- Policies and procedures
- Marketing materials
- Resident admission information packet, including Assisted Living Contract
- Resident records
- Personnel records

### Communication during the survey

MDH staff are committed to open communication during the survey. Assisted living provider staff will be asked to give information that reflects the current practices and policies of the licensee. If a question is not understood, providers and their staff should ask for clarification. Providers and their staff can ask questions and give additional information at any time during the survey.

MDH staff ask questions if they do not understand the provider's policies and procedures as they pertain to the requirements in the assisted living statutes. During the survey, MDH staff provide information concerning issues that are identified. An MDH supervisor may be contacted to help resolve any issues or concerns that arise during the survey.

### Length of survey

The survey may take two or more days. The length of the survey and the number of MDH staff assigned depends on the number of residents receiving services, the types of services the resident receive, issues identified during the survey, and the geographic location.

### Exit conference

When the on-site survey tasks are completed, MDH staff hold an exit conference with the provider. The purpose of the exit conference is to outline and discuss the preliminary findings of the survey. MDH staff explain their findings and provide information about MDH's expectations for correcting deficiencies. Information about requesting reconsideration of correction orders and an opportunity for provider feedback is also shared at the exit conference.

### Survey completion

After the exit conference, MDH staff submit the preliminary survey findings for final department review. After review, MDH will email to the provider any correction orders issued as a result of the survey and the final copy of the survey. Survey results are public information and posted on the MDH website.

## Correction Orders

Providers must review the correction order(s) carefully and correct each item cited within the time frame required, as stated on the final emailed survey report. MDH may request a copy of this documentation on future surveys, during a complaint investigation, or as otherwise needed.

See *Correction Order Documentation Guidelines\_p5040* for instructions on how to document correction of orders.

## Follow-up survey

If the assisted living provider receives correction orders, the provider may be subject to a follow-up survey to determine if the violations cited were corrected. It is important for the provider to correct both the problem(s) identified in the correction orders and any system failures that led to the noncompliance.

For providers that have Level 3 or Level 4 violations or violations determined to be widespread, the department must conduct a follow-up survey within 90 calendar days of the survey.

The information gathered during a follow-up survey focuses on the area(s) cited during the previous survey. New correction orders may be issued if new issues are identified. During the exit conference, MDH staff present the preliminary findings of the follow-up visit, which includes the status of the correction orders.

## Fines and enforcement actions

Fines may be assessed and/or enforcement actions taken based on the level and scope of the violations. For information on level, scope and fines, see Minnesota Statutes 144G.31 (Assisted Living).

For more information on enforcement, see Minnesota Statute 144G.30 (Assisted Living).

## Granting or denial of a license

If the provisional licensee is found in substantial compliance with the requirements, a license is granted. If the provisional licensee is found not in substantial compliance a license is not granted and the provisional license is closed. Provisional licensees who are denied a license must follow requirements to coordinate transfer of care of residents to another licensed provider.

## Requesting reconsideration of license denial

If the provisional licensee is found not in substantial compliance and the license is denied, the provisional licensee may request that MDH reconsider the license denial.

See *Requesting Reconsideration of License Denial\_p4125*.

## MDH website

In addition to the survey documents, providers can find more information about survey types, the survey process, statutory requirements for operating as a licensed home care provider and other important resources on the Assisted Living Program website (<https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html>). To receive updates from MDH, sign up on the website.

State Evaluations  
Health Regulation Division  
P.O. Box 3879 St. Paul, MN 55101-3879  
Phone 651-201-4200 | Fax 651-215-9697  
[Assisted Living \(https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html)

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*To obtain this information in a different format, call: 651-201-4200.*