



Bulletin

NUMBER

#15-25-07

DATE

April 2, 2015

OF INTEREST TO

Hospital
Administrators/Planners

Certified Health Care Homes

County/Social Services
Directors

Long Term Care
Consultation/MnCHOICES
Contacts

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 consumers with
Long Term Care Options
Counseling materials.
Implement service delivery
model.

EXPIRATION DATE

April 2, 2017

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

TOPIC

Minnesota Statutes, section 256B.0911 includes referrals from stated providers to continue decision-making support in partnership among Long Term Care Options Counseling and Long Term Care Consultation (MnCHOICES). This bulletin replaces bulletin #12-25-08.

PURPOSE

Summarize the legislation and service implementation developed by commissioners. Update on partner roles and responsibilities.

CONTACT

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SIGNED

LOREN COLMAN
Assistance Commissioner,
Continuing Care for Older Adults Administration

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 (MnCHOICES) 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. Through assessment and community support planning activities, Long Term Care Consultants/Certified Assessors (LTCC/CA) 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 programs for qualifying individuals.

The 2007 Minnesota Legislature amended Minnesota Statutes, section 256B.0911, subdivision 3c to integrate the services available under the Long Term Care Consultation (MnCHOICES) program with transitional consultation provided by Long Term Care Options Counselors housed in the Area Agencies on Aging as part of the Senior LinkAge Line®. According to the amendment, “The purpose of transitional Long-term Care Consultation is to support persons 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 to delay spend-down to eligibility for publicly funded programs by connecting people to alternative services in their homes before transition to housing with services.” Under this provision, all providers offering or providing assisted living services must “....inform all prospective residents of the availability of and contact information for transitional consultation servicesprior to executing a lease or contract with the prospective resident.”

Long Term Care Options Counseling (LTCOC) provided by the Senior LinkAge Line® supports people with current or anticipated long-term care needs in making informed choices among options that include the most cost-effective and least restrictive setting. Options Counselors also refer individuals to LTCC/CA for face-to-face assessment and community support planning, as well as to access public funding for long term care services and supports.

The 2011 Minnesota Legislature expanded this partnership and renamed the service to Consultation for Housing with Services. Amendments to Minnesota Statutes, section 256B.0911, subdivision 3c require all prospective residents, with the exception of individuals seeking a lease-only arrangement with a subsidized housing provider, to receive the consultation service and verification of consultation, prior to executing a lease or contract with any Registered Housing with Services provider. The 2011 Minnesota Legislature approved additional funding to support the partnership and the activities each agency conducts.

In 2012, the Minnesota Legislature further expanded the service to include referrals to the Senior LinkAge Line® for LTCOC 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 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.

During this time, additional amendments also extended the exemption from verification of counseling to additional individuals as described in section III 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.
- Consumers receiving or being evaluated for hospice services from a hospice provider licensed under sections Minnesota Statutes, sections 144A.75 to 144A.755 or consumers who have used financial planning services and created a long-term care plan as defined by the commissioner of the Department of Human Services 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 LTCOC and Long Term Care Consultation (MnCHOICES) model provides access to services provided by the Senior LinkAge Line® and lead agencies for prospective residents of Registered Housing with Services. The 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:

- Consumers 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 continue to press Option 1 when calling in for this service. Registered Housing with Services providers do not use the [online form](#) for these referrals.
- Telephone-based LTCOC service is performed by the Senior LinkAge Line® staff in partnership with lead agencies providing the LTCC (MnCHOICES).
- 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 consumer's risk of nursing home placement. Those whose result is "high or moderate risk" will be referred to the lead agency for a LTCC/MnCHOICES assessment.

- Some Senior LinkAge Line® contact centers also refer low risk individuals if there is agreement with the local county to make these referrals.
- As of September 1st, 2012, 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.
- Development and distribution of consumer materials for use by certified health care homes, hospitals and Registered Housing with Services providers inform individuals of the LTCOC 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 consumer's current situation based on their values and preferences
- Connect consumers to services that are available and can meet the consumers' 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 consumer 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 [Minnesota Board on Aging website](#).

[Step-by-Step protocols](#) are available to all Lead Agency staff.

C. Representatives

Senior LinkAge Line® staff will always strive to speak to the consumer if at all possible. However, for consumers who have an authorized representative and would like to receive the verification code on behalf of the consumer, the Senior LinkAge Line® may be required to request copies of the legal documentation.

Documentation is not required if:

- The consumer provides verbal permission for the representative to speak on their behalf
or
- The housing with services setting can, in good faith, verify the representative has the authority to act on behalf of the consumer.

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

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 as 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 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 resident can also provide this verbal confirmation.
2. Record that the staff received the verbal or written release and the role of the individual (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 Long Term Care Consultant/Certified Assessor for the verification code.

If a consumer 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. Consumers Who Decline Counseling

Consumers may contact the Senior LinkAge Line® and choose not to receive the LTCOC. These consumers will be provided the verification code. However, the Senior LinkAge Line® staff will collect the following:

- 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 generated code to the consumer. Also, if the consumer should lose the verification code, Senior LinkAge Line® will need to locate the information in the client tracking system.

E. Systems Changes

Senior LinkAge Line® staff will continue to generate the verification of counseling through the issuance of a code. Senior LinkAge Line® staff will track information about LTCOC services including the referral source of the caller, information about the consumers 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 Long-term Care Consultation/MnCHOICES assessment, and entered the assessment into MMIS (LTC SDOC) selecting the Activity Type 02 (Face to Face Assess), 04 (Relocation/Transition Assessment), 06 (Reassessment), or 08 (CAC/CADI/BI Reassess 65th birthday) from the Long Term Care Screening Document. When the LTC SDOC is approved in MMIS, a verification code is auto-generated. This code will be auto-generated by MMIS. Assessors should use this generated code in the customized living tool workbook 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.

- The field is only populated when the activity type is 02, 04, 06, or 08, the activity type date is 9/01/2012 or later and the document has an approved status.
- The value begins with LA followed by 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 documents as well as to all future approved 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 code will also be mailed by the Lead Agency 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.
- Consumers 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 consumer misplace their verification code, they will need to call the entity that generated the code to get a copy of the code.

Examples of consumers request to obtain a verification code:

- Consumer moved into a Registered Housing with Services setting in Duluth in December 2011. Consumer obtains verification code from the Senior LinkAge Line®.
- Consumer moved into a Registered Housing with Services setting in July 2011. Later, the consumer moves into a new Registered Housing with Services setting on or after October 1, 2011, the consumer 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.
- Consumer moves from Wisconsin to a Minnesota Registered Housing with Services setting. This consumer 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 consumer is a prospective resident in Minnesota Registered Housing with Services setting.
- Consumer has a respite stay at a Registered Housing with Services setting on or after October 1, 2011, the consumer would need to call and obtain a verification code. Once the consumer receives the verification code, they will never need to

obtain an additional code.

- Consumer has a skilled nursing facility admission and then moves into a Registered Housing with Services setting on or after October 1, 2011, the consumer would need to call and obtain a verification code, unless they received a face-to-face Long Term Care Consultation/MnCHOICES assessment. In this situation the consumer would have received a verification code from the Long Term Care Consultation/MnCHOICES assessor.
- Consumers who have a spouse/partner must each obtain a verification code if they move into a Registered Housing with Services setting on or after October 1, 2011.
- Consumer 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.
- Consumer moves into a subsidized housing setting that meets the above definition. The consumer had entered into a lease only arrangement and is now in need of services. This consumer is required to call and be offered LTCOC 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. Consumers who signed a lease or contract prior to October 1, 2011 do not need to receive LTCOC or seek verification. They are not considered prospective residents. However, if they sign a new service contract, they will be required to call the Senior LinkAge Line®.
2. Consumers renewing a lease who reside in an existing setting on and after October 1, 2011, will not need to call for LTCOC or seek verification. They are not considered prospective residents since they already reside in the Housing with Services setting.
3. Consumers who are entering into a lease-only arrangement with a subsidized housing setting (see definition below) do not need to receive LTCOC or seek verification.
4. Consumers 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. Consumers 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. Consumers on Registered Housing with Services waiting lists: If the Registered Housing with Services setting has a waiting list, it is encouraged to alert consumers on the list of the need to call and receive LTCOC now so they can be offered the Live Well at Home Rapid Screen© and have an opportunity to be referred for a LTCC/MnCHOICES assessment.
7. Consumers on Elderly Waiver (EW), Community Alternative Care (CAC), Community Alternatives Disabled Individuals (CADI), Brain Injury (BI) or Alternative Care (AC) with a Case Manager or Care Coordinator: Each person on a waiver program listed will need to obtain a verification code prior to signing or executing a lease with a Registered Housing with Services setting, unless they are exempt as described in III.A.1-5 above. For consumers who had an assessment or reassessment after September 1st, 2012, they will receive the verification code from the assessor, as it is now auto-generated in MMIS. Lead Agencies do not need to call the Senior LinkAge Line® for a verification code unless the consumer was already on a public program prior to September 1, 2012 and would like to relocate into a Registered with Housing Services setting.
8. Consumers who have previously received a verification code.

B. Declaration of Exemption from Consultation for Housing with Services

Registered Housing with Services setting informs prospective resident that before signing or executing a lease they must be offered LTCOC. Providers should encourage a consumer to review the statutory exemptions to determine if the consumer meets any of the exemptions. The Minnesota Department of Human Services (DHS) developed a Declaration of Exemption form found at [Minnesota Board on Aging](#) website as an option to be used and is available for the Registered Housing with Services provider to have the consumer sign, specifying which exemption they meet. Other options for declaring

exemption would be considered and approved by corporate or company legal counsel and incorporated into daily business processes. A record of declaration of exemption kept by the Registered Housing with Services provider should be maintained on file in the consumer's record. A referral to the Senior LinkAge Line® is not required in those cases.

C. Subsidized Housing Setting Exemptions

The Minnesota Statutes, section 256B.0911 did 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 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 and falling under the jurisdiction of Minnesota Housing 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 under Minnesota Statutes, section 144D.025 (which is optional to the provider.)
- 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 LTCOC 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 LTCOC and Long Term Care Consultation (MnCHOICES) model provides access to services provided by the Senior LinkAge Line® and lead agencies for consumers referred by hospital and health care homes who are at risk for nursing facility placement. The service is designed to ensure these consumers 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 form](#).
- Telephone-based LTCOC service is performed by the Senior LinkAge Line® staff in partnership with lead agencies providing the LTCC (MnCHOICES) for individuals who directly contact or are referred to the Senior LinkAge Line®. Targeted individuals are at-risk of nursing home placement.
- 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 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.
- 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.
- Development and distribution of consumer materials for use by certified health care homes, hospitals and Registered Housing with Services providers inform individuals of the LTCOC available through the Senior LinkAge Line®.

B. Service Delivery Model

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

- Review the consumer's current situation based on identified areas that require follow-up as indicated by the certified health care home or hospital
- Connect consumers to services that are available and can meet the consumer's needs
- Compare financing options that may be available to help pay for their long-term care service
- Follow-up with the consumer 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](#).
- [Wilder Research Report](#), Helping Older Adults Select and Purchase Long Term Care,
- [Contact information for each Area Agency on Aging](#) is available at the Minnesota Board on Aging website.
- A listing of the statewide LTCC/MnCHOICES Administrative Contacts for all counties can be found at the [DHS website](#).
- A listing of the statewide Care Coordinators for all managed care plans that perform LTCC/MnCHOICES assessments for their enrolled members can be found at the [DHS website](#).
- More information about the Long Term Care Consultation/MnCHOICES program, and community alternatives to facility-based services, can be found on [the DHS website](#).
- Statute governing the [Long Term Care Consultation/MnCHOICES program](#)
- Materials for consumers and providers
 - On July 26, 2012, a letter was sent to Registered Housing with Services and Assisted Living providers informing them of legislation changes, in addition to receiving an updated brochure to be provided to all prospective residents.
 - On September 21, 2012 a letter was sent to all hospitals and Health Care Homes informing them of the mandate to make referrals to the Senior LinkAge Line® when a patient is considered high risk for nursing home placement.
 - On September 26, 2012 the Minnesota Department of Human Services and the Minnesota Board on Aging sent a joint letter informing the following providers about the required service and law: Registered Housing with Services Providers, Assisted Living Providers, Licensed Adult Foster Care, Home Care Agencies, Medicaid-certified clinics, Hospice Providers, and Hospitals.
 - Copies of these letters or consumer materials are available by calling the Senior LinkAge Line® at 1-800-333-2433.

VI. Americans with Disabilities Act (ADA) Advisory

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