

Adult day care centers: Implementation plan for 2026 legislative changes

The 2026 Minnesota State Legislature passed several new laws that affect adult day care centers. This document outlines an overview of each change, instructions for what license holders need to do about the change, and the date the change is effective.

The hyperlinks within this document go to where the new laws can be found. When reviewing the new laws:

- Text that is stricken with a line through it reflects words that are being removed from the law.
- Text that is underlined reflects words that are being added to the law.
- Text that is unchanged reflects what the law was before and continues to be the law.

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Effective July 1, 2026

Attestation regarding assistance during application or license renewal

Overview

Applicants and license holders that receive public funds must provide an attestation stating whether the applicant or authorized agent received assistance from an unaffiliated business or consultant in preparing: a license application, documentation, or written policies. The commissioner shall not issue a license if an applicant, license holder, or controlling individual has not provided an attestation stating whether the applicant or authorized agent received assistance from an unaffiliated business or consultant in preparing: a license application, documentation, or written policies.

What license holders need to do

Applicants applying for a new license will need to complete an adult day care license application. The Department of Human Services (DHS) is updating the application to include an attestation statement regarding the use of an unaffiliated business or consultant in preparing the license application, documentation, or written policies. The attestation will need to be completed with a notarized signature.

If during a licensing review, a licenser determines that a license holder's written policies are missing or need to be updated, the license holder will need to update any identified policy and submit an attestation statement regarding the use of an unaffiliated business or consultant in developing or updating the policy. The attestation will need to be completed with a notarized signature.

[Laws of MN 2026, chapter 121, article 3, section 7](#)

[MN Statutes, section 245A.04, subdivision 1, paragraph \(j\)](#)

Definition of individual who is related

Overview

The definition of "individual who is related" now includes individuals related through marriage. Programs may continue to operate within the existing definition of individual who is related until the individual related through marriage is no longer receiving services.

What license holders need to do

License holders that are currently providing services to an individual related through marriage may continue to do so. Once that in-law is no longer receiving services, the license holder cannot provide services to any other individuals related through marriage.

Moving forward, licenses will not be issued to individuals who are seeking a license to provide services to an individual related through marriage.

[Laws of MN 2026, chapter 121, article 4, sections 3 and 4](#)

[MN Statutes, section 245A.02, subdivision 13](#)

[MN Statutes, section 245A.03, subdivision 2](#)

Effective October 1, 2026

Change of ownership exception

Overview

These sections remove the change of ownership exception for licenses in which at least one controlling individual has been on the license for the previous 12 months and will continue to be on the license.

What license holders need to do

If a license holder sells or transfers 100 percent of their property, stock, or assets, then that is considered a change of ownership and requires the new business owner to apply for a license. There is no longer an exception for situations in which at least one controlling individual has been affiliated with the license for at least the previous 12 months.

If all controlling individuals for a license have changed from the original license, then that is considered a change of ownership and requires the new business owner to apply for a license. There is no longer an exception for situations in which at least one controlling individual has been affiliated with the license for at least the previous 12 months.

[Laws of MN 2026, chapter 121, article 4, sections 5, 6, and 37](#)

[MN Statutes, section 245A.043, subdivisions 2 and 2a](#)

[MN Statutes, section 245A.10, subdivision 3a](#) (repealed)

Additional information

Continuity of care

DHS has established a process to notify lead agencies when an administrative action has been taken.

[Laws of MN 2026, chapter 121, article 1, section 1](#)

Effective date: July 1, 2026

Codifying the Office of Inspector General

DHS must provide statutory language that codifies the DHS Office of Inspector General.

[Laws of MN 2026, chapter 121, article 11, section 6](#)

Effective the day following final enactment

Maltreatment investigations related to grooming

DHS has the authority to assess and investigate a report of alleged grooming that occurred more than three years prior to the date of the report. Grooming includes expressing the desire or intent to engage in sexual conduct with a child and engaging in a false trusting relationship with a child that is intended to strategically manipulate the child to engage in sexual conduct at a future time, regardless of whether any sexual conduct occurs.

[Laws of MN 2026, chapter 108, section 4](#)

[MN Statutes, section 260E.15](#)

Effective date: July 1, 2026

Change of ownership during a license moratorium

A change of ownership is not subject to a licensing moratorium if the change of ownership does not result in an increase in licensed capacity or service scope.

[Laws of MN 2026, chapter 121, article 3, section 7](#)

[MN Statutes, section 245A.04, subdivision 1](#)

Effective date: July 1, 2026

HCBS early and often team

The legislature established a Home and Community-based Services (HCBS) early and often licensing and compliance team. The team will assist applicants through the application process and visit programs early and often, providing technical assistance and guidance several times throughout the first 18 months of operation.

[Laws of MN 2026, chapter 121, article 3, section 9](#)

[MN Statutes, section 245A.042, subdivision 7](#)

Effective date: July 1, 2026

HCBS provider support and technical assistance team

The legislature established a support and technical assistance team for HCBS providers. The HCBS provider support and technical assistance team will:

- Serve as a contact and help desk for questions;
- Develop training and onboarding materials;
- Collect data on challenges;
- Coordinate with various teams within DHS; and
- Make recommendations regarding how to improve the delivery of services and program integrity.

[Laws of MN 2026, chapter 121, article 3, section 13](#)

[MN Statutes, section 256.01, subdivision 46](#)

Effective date: July 1, 2026

Expanded payment withhold authority

This section expands authority to withhold payment for instances where individuals or entities are convicted of a crime involving fraud or theft against a program administered by another state or federal agency; a provider is operating after suspension or revocation of their license; or the provider has a background study disqualification.

[Laws of MN 2026, chapter 121, article 4, section 2](#)

[MN Statutes, section 245.095, subdivision 5](#)

Effective date: July 1, 2026

Temporary immediate suspensions

This section establishes a preponderance of evidence as the burden of proof for temporary immediate suspension hearings in which the license holder or controlling individual is the subject of a pending administrative, civil, or criminal investigation or is subject to an administrative or civil action related to fraud against a program administered by a state or federal agency. It also added authority for DHS to issue a suspension if the temporary immediate suspension time period has expired and there continues to be a pending investigation or action related to fraud against a program administered by a state or federal agency.

[Laws of MN 2026, chapter 121, article 4, sections 7 and 8](#)

[MN Statutes, section 245A.07, subdivisions 2a and 3](#)

Effective date: July 1, 2026

Vulnerable Adult Act updates for county social services

These sections update the Vulnerable Adult Act, particularly as it relates to county social service agency responsibilities.

[Laws of MN 2026, chapter 95, article 7, sections 7-27](#)

[MN Statutes, section 626.557](#)

[MN Statutes, section 626.5572](#)

Effective date: August 1, 2026

Prohibition on terminating a program, waiver, or benefit

The commissioner may not terminate a medical assistance program, waiver, or benefit, or request federal assistance to do so without prior legislative authorization.

[Laws of MN 2026, chapter 95, article 9, sections 4 and 5](#)

[MN Statutes, section 256B.04, subdivisions 24a and 24b](#)

Effective date: August 1, 2026

Interpretative guidelines for waiver services

DHS must develop and publish interpretative guidelines within 120 days of the effective date of any statutory changes, waiver plan amendments, state or federal administrative rulings, or state or federal court decisions that affect policies or reimbursement for 245D services.

Interpretative guidelines do not have the force and effect of law, and they do not set precedent. The interpretative guidelines may be relied on by consumers, service providers, county agencies, DHS, and others until modified.

DHS may modify an interpretive guideline or issue another interpretive guideline, but DHS may not modify an interpretive guideline retroactively to the disadvantage of consumers, service providers, county agencies, DHS, or others concerned. If there are changes in the law or an interpretation of the law after the interpretive guideline is issued, then the guideline will be modified.

[Laws of MN 2026, chapter 121, article 9, section 11](#)

[MN Statutes, section 256B.04, subdivision 28](#)

Effective date: July 1, 2028