

OUR PROGRAM BEGINS AT 12:30



PURPOSE



We champion shared learning across the clinical and executive leaders of Minnesota’s assisted living and skilled care settings.

Through supportive dialogue grounded in the ECHO principle of “all teach, all learn,” our virtual community of interdisciplinary leaders shares promising practices to improve operational outcomes and quality of life as we age.



THE CHECK-IN

When can we search a resident's room?

Hint: Your right to do so is much more limited than you might think.

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RODÈ & COFFIN
LLC
ATTORNEYS AT LAW



WELCOME: MAY 12, 2026



THE CHECK-IN



INSERT SESSION TITLE



ALL TEACH.

ALL LEARN.



WELCOME



MAY 12, 2026

CAN WE SEARCH A RESIDENT'S ROOM WHEN SOMETHING SEEMS WRONG?

FEATURING



RYAN USHER
RODÈ & COFFIN, LLC



Types of Items Generally at Issue

- Alcohol
- Cigarettes
- Illegal drugs
- Legal drugs – marijuana, gummies
- Weapons



Different Risks/Authorities Might Point You in Different Directions

Criminal law and/or landlord/tenant law

- Thinking primarily about this will almost always result in a determination that you SHOULD NOT conduct a search
- (in advocating for a resident's right to make bad choices, ombudsman will often push against searches which might conflict with general criminal law or landlord/tenant law concepts)

Regulatory compliance - 144G, 42 CFR 483, State Operations Manual

- Thinking primarily about this will almost always result in a determination that you SHOULD conduct a search
- MDH – “how dare you let the resident make such a bad choice.”



Resident Rights - AL

Minn. Stat. § 144G.91, subd. 13(b)

Residents have the right to have and use a lockable door to the resident's unit. The facility shall provide locks on the resident's unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan.



Resident Rights - SNF

42 CFR § 483.10

(e)(2) The right to retain and use personal possessions, including furnishings, and clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(f)(2) The resident has the right to make choices about aspects of his or her life in the facility that are significant to the resident.



Resident Rights – SNF (Cont.)

State Operations Manual Language – F557

If the facility determines through observation that a resident may have access to illegal substances that they have brought into the facility or secured from an outside source, the facility should not act as an arm of law enforcement...If facility staff identify items or substances that pose risks to residents' health and safety and are in plain view, they may confiscate them. But, facility staff should not conduct searches of a resident or their personal belongings, unless the resident, or resident representative agrees to a voluntary search and understands the reason for the search.



General Considerations

- Why are you in a resident's room – are you performing a service, do you have the resident's permission?
- Is the resident displaying behaviors which give you a particular concern about the use of illegal or legal drugs or some other legal item/substance?
- What does the resident's care plan say about the particular drug, item, or substance?
- Can you see the item that you are concerned about – is it in plain view or do you think it is somewhere that would require you to dig through the resident's possessions to find?



It is safer to conduct a search when:

- You are in the resident's room for some other purpose
- You are only searching for items in plain view which do not require you to move or touch other resident property to view
- You have the resident's permission to conduct a search
- The item you are searching for is addressed in the resident's care/service plan
- You have entered into a behavior agreement with a resident which permits you to conduct random or periodic searches for a substance or item that is addressed in the resident's care plan
- There is an imminent risk of harm to the resident or another resident



Firearms and Other Weapons

- Statutory right to possess firearms (can be restricted for memory care residents)
 - Facility can require strict storage/safety requirements (separation of ammo from guns, gun safes/trigger locks, etc.)
- Can generally prohibit most types of bladed/other weapons (knives, swords, axes, stun guns/tasers)
- If a resident has a weapon in plain sight and is not present – you should remove the weapon (unless it is a firearm).
 - If a resident is brandishing a weapon and/or making threats with the weapon, call the police



CASE SCENARIO

Progressive Illegal Drug Use



Jim was admitted to your assisted living facility in December of 2025. Jim required very few cares and only relied on the facility for medication management. He didn't have any behavioral problems until March of 2026. In March, he started to be increasingly restless and irritable, and appeared to have trouble sleeping. By May, Jim was becoming even more irritable and aggressive, and started developing skin sores. While passing meds, a staff member observed Jim putting a bag of something into his jacket pocket, but by the time the staff member had informed the Director of Nursing, Jim was in the dining room without his jacket. The staff member knew that Jim always hung up his jacket on a hook right inside his door.

- What should the facility do?
- What would reduce the risks involved in a search if a staff member had additional concerns later?



ALL TEACH. ALL LEARN.



- What themes emerged in your small group?
- What questions do you have for the group?
- What lessons do you have to share on this topic?



NEXT SESSION:

Visit us online:

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Email:

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MAY 26, 2026

WHAT IS A UTI AND HOW DOES IT EFFECT RESIDENTS?

FEATURING



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