

Summary of Assisted Living Licensure Bill

1. The bill clearly defines assisted living:

“The term “assisted living” and “assisted living residence” means an entity which provides or arranges for housing, on-site monitoring, and personal care services and/or home care services (either directly or indirectly), in a home-like setting to five or more adult residents unrelated to the assisted living provider.”

Assisted living residences must supply:

- Daily food service;
 - Twenty-four hour on-site monitoring;
 - Case management services; and
 - Individualized service plans for all residents.
2. Providers who meet the definition, or who wish to provide assisted living, must first become licensed as an adult home or enriched housing program and also become licensed as an assisted living residence.
3. Adult homes and enriched housing programs are eligible to become licensed assisted living residences or, if they do not wish to become assisted living, may continue to operate under their current adult care facility (ACF) certification without additional requirements.
4. Providers who want to become assisted living residences must apply to DOH for licensure and approval. As part of this approval process, DOH is required to solicit and consider public comment on its webpage.
5. Licensure fees are payable every two years.
6. Assisted living residences that choose to offer a higher level of care (permit “aging-in”) must apply for an “enhanced assisted living certificate.” With this certificate, they can care for residents who are or have:
- Chronically chairfast and unable to transfer or chronically require the physical assistance of another person to transfer;
 - Chronically require the physical assistance of another person in order to walk;
 - Chronically require the physical assistance of another person to climb or descend stairs;
 - Dependent on medical equipment and require more than intermittent or occasional assistance from medical personnel; or
 - Chronic unmanaged urinary or bowel incontinence.

7. Assisted living residences that choose to offer special services for people with cognitive disorders will be required to obtain a "special needs assisted living certificate" from the Department of Health (DOH) by applying to DOH and demonstrating that they can care for cognitively impaired residents.
8. The fees, along with revenue generated by monetary penalties for violations of the law and regulations, will be deposited into a special fund that will pay for the costs associated with the regulatory oversight of assisted living residences. \$500,000 will go to the ombudsmen program.
9. To admit a resident into an assisted living residence, the legislation requires a pre-admission evaluation to determine if the provider can meet the resident's needs. People who need 24-hour skilled nursing care cannot be admitted to an assisted living residence. However, residents of enhanced assisted living residences may be permitted to remain in the facility once they require 24 hour skilled nursing care if the resident hires appropriate care staff to meet their needs, based on a determination of the resident's physician and home care provider, and the facility agrees to retain the resident and coordinate their care.
10. The admission process includes executing an admission agreement with residents that includes the terms and conditions of the residency. Providers will also have to disclose certain information about the facility along with its marketing materials and a consumer information guide to anyone who expresses an interest in living in the facility.
11. Upon admission, an individualized service plan (ISP) must be developed for each resident and must take into account the medical, nutritional, rehabilitation, functional, cognitive and other needs of the resident. The initial ISP must be developed in conjunction with the resident's physician and a home care agency, if determined necessary by the physician. The ISP must be updated as necessary to reflect changing resident needs, but no less than every six months.
12. The bill includes a section on resident rights similar to those currently in effect for residents of ACFs. One notable exception is that operators will have to provide residents with 45-day notice in the event of a fee increase. Currently, ACFs are only required to provide 30 days notice.
13. The legislation requires the establishment of a special task force to make recommendations to DOH on a number of matters that must be worked out in the regulations. The task force will be composed of ten members to be appointed by the governor and Legislature.

The task force is supposed to begin by December 1, 2004 and must issue a report to the Legislature on or before June 1, 2005.