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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING
ACT

Introduced By: Senators Coyne, Miller, Satchell, Lynch Prata, and Gallo

Date Introduced: February 13, 2019

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.4-2 of the General Laws in Chapter 23-17.4 entitled
2 "Assisted Living Residence Licensing Act" is hereby amended to read as follows:

3 **23-17.4-2. Definitions.**

4 As used in this chapter:

5 (1) "Activities of daily living (ADLs)" means bathing, dressing, eating, toileting, mobility
6 and transfer.

7 (2) "Administrator" means any person who has responsibility for day to day
8 administration or operation of an assisted living residence.

9 (3) "Alzheimer's dementia special care unit or program" means a distinct living
10 environment within an assisted living residence that has been physically adapted to accommodate
11 the particular needs and behaviors of those with dementia. The unit provides increased staffing,
12 therapeutic activities designed specifically for those with dementia and trains its staff on an
13 ongoing basis on the effective management of the physical and behavioral problems of those with
14 dementia. The residents of the unit or program have had a standard medical diagnostic evaluation
15 and have been determined to have a diagnosis of Alzheimer's dementia or another dementia.
16 Upon completion of the disclosures required by § 23-17.4-16.2, a person who does not otherwise
17 meet the requirements for the special care unit or program, may choose to reside in the unit or
18 area.

1 (4) "Assisted living residence" means a publicly or privately operated residence that
2 provides directly or indirectly by means of contracts or arrangements personal assistance and may
3 include the delivery of limited health services, as defined under subdivision 23-17.4-2(12), to
4 meet the resident's changing needs and preferences, lodging, and meals to six (6) or more adults
5 who are unrelated to the licensee or administrator, excluding however, any privately operated
6 establishment or facility licensed pursuant to chapter 17 of this title, and those facilities licensed
7 by or under the jurisdiction of the department of behavioral healthcare, developmental disabilities
8 and hospitals, the department of children, youth, and families, or any other state agency. The
9 department shall develop levels of licensure for assisted living residences within this definition as
10 provided in § 23-17.4-6. Assisted living residences include sheltered care homes, and board and
11 care residences or any other entity by any other name providing the services listed in this
12 subdivision which meet the definition of assisted living residences.

13 (5) "Capable of self-preservation" means the physical mobility and judgmental ability of
14 the individual to take appropriate action in emergency situations. Residents not capable of self-
15 preservation are limited to facilities that meet more stringent life safety code requirements as
16 provided under § 23-17.4-6(b)(3).

17 (6) "Director" means the director of the Rhode Island department of health.

18 (7) "Licensing agency" means the Rhode Island department of health.

19 (8) "Qualified licensed assisted living staff members" means a certified nursing assistant
20 as provided under subdivision 23-17.9-2(a)(3), a licensed practical nurse as provided under
21 subdivision 5-34-3(12) and/or a registered nurse as provided under subdivision 5-34-3(14).

22 (9) "Personal assistance" means the provision of one or more of the following services, as
23 required by the resident or as reasonably requested by the resident, on a scheduled or unscheduled
24 basis, including:

25 (i) Assisting the resident with personal needs including activities of daily living;

26 (ii) Assisting the resident with self-administration of medication or administration of
27 medications by appropriately licensed staff;

28 (iii) Providing or assisting the resident in arranging for health and supportive services as
29 may be reasonably required;

30 (iv) Monitoring the activities of the resident while on the premises of the residence to
31 ensure his or her health, safety, and well-being; and

32 (v) Reasonable recreational, social and personal services.

33 (10) "Resident" means an individual not requiring medical or nursing care as provided in
34 a health care facility but who as a result of choice and/or physical or mental limitation requires

1 personal assistance, lodging and meals and may require the administration of medication and/or
2 limited health services. A resident must be capable of self-preservation in emergency situations,
3 unless the facility meets a more stringent life safety code as required under § 23-17.4-6(b)(3).
4 Persons needing medical or skilled nursing care, including daily professional observation and
5 evaluation, as provided in a health care facility, and/or persons who are bedbound or in need of
6 the assistance of more than one person for ambulation, are not appropriate to reside in assisted
7 living residences. However, an established resident may receive daily skilled nursing care or
8 therapy from a licensed health care provider for a condition that results from a temporary illness
9 or injury for up to forty-five (45) days subject to an extension of additional days as approved by
10 the department, or if the resident is under the care of a Rhode Island licensed hospice agency
11 provided the assisted living residence assumes responsibility for ensuring that the required care is
12 received. Furthermore, a new resident may receive daily therapy services and/or limited skilled
13 nursing care services, as defined through rules and regulations promulgated by the department of
14 health, from a licensed health care provider for a condition that results from a temporary illness or
15 injury for up to forty-five (45) days subject to an extension of additional days as approved by the
16 department, or if the resident is under the care of a licensed hospice agency provided that assisted
17 living residence assumes responsibility for ensuring that the care is received. For the purposes of
18 this chapter, "resident" shall also mean the resident's agent as designated in writing or legal
19 guardian. Notwithstanding the aforementioned, residents who are bed bound or in need of
20 assistance of more than one staff person for ambulation may reside in a residence if they are
21 receiving hospice care in accordance with the rules and regulations promulgated by the
22 department of health. For the purposes of this chapter, "resident" shall also mean the resident's
23 agent as designated in writing or legal guardian.

24 (11) "Supervision" means the supervision requirements of qualified licensed assisted
25 living staff delivering limited health services in accordance with this chapter, as defined through
26 rules and regulations promulgated by the department of health.

27 (12) "Limited health services" means health services, as ordered by the resident's
28 physician, provided by qualified licensed assisted living staff members with supervision as
29 required in rules and regulations promulgated by the department of health. Nothing in this
30 definition shall be construed to limit the right of assisted living residents to access home nursing
31 care or hospice provider services.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING
ACT

- 1 This act would allow those individuals who do not otherwise meet the requirements, to
- 2 reside in an Alzheimer's special care unit or program.
- 3 This act would take effect upon passage.

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