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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Representatives Cimini, Tanzi, Ferri, Naughton, and Bennett

Date Introduced: February 27, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.4-2, 27-17.4-3 and 23-17.4-10 of the General Laws in
2 Chapter 23-17.4 entitled "Assisted Living Residence Licensing Act" are hereby amended to read
3 as follows:

4 **23-17.4-2. Definitions.** -- As used in this chapter:

5 (1) "Activities of daily living (ADLs)" means bathing, dressing, eating, toileting,
6 mobility 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 (4) "Assisted living residence" means a publicly or privately operated residence that
17 provides directly or indirectly by means of contracts or arrangements personal assistance to meet
18 the resident's changing needs and preferences, lodging, and meals to six (6) or more adults who

1 are unrelated to the licensee or administrator, excluding however, any privately operated
2 establishment or facility licensed pursuant to chapter 17 of this title, and those facilities licensed
3 by or under the jurisdiction of the department of mental health, retardation, and hospitals, the
4 department of children, youth, and families, or any other state agency. The department shall
5 develop levels of licensure for assisted living residences within this definition as provided in
6 section 23-17.4-6. Assisted living residences include sheltered care homes, and board and care
7 residences or any other entity by any other name providing the services listed in this subdivision
8 which meet the definition of assisted living residences.

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

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

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

15 (8) "Personal assistance" means the provision of one or more of the following services,
16 as required by the resident or as reasonably requested by the resident, on a scheduled or
17 unscheduled basis, including:

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

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

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

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

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

26 (9) "Resident" means an individual not requiring medical or nursing care as provided in
27 a health care facility but who as a result of choice and/or physical or mental limitation requires
28 personal assistance, lodging and meals and may require the administration of medication. A
29 resident must be capable of self-preservation in emergency situations, unless the facility meets a
30 more stringent life safety code as required under section 23-17.4-6(b)(3). Persons needing
31 medical or skilled nursing care, including daily professional observation and evaluation, as
32 provided in a health care facility, and/or persons who are bedbound or in need of the assistance of
33 more than one person for ambulation, are not appropriate to reside in assisted living residences.
34 However, an established resident may receive daily skilled nursing care or therapy from a

1 licensed health care provider for a condition that results from a temporary illness or injury for up
2 to forty-five (45) days subject to an extension of additional days as approved by the department,
3 or if the resident is under the care of a licensed hospice agency provided the assisted living
4 residence assumes responsibility for ensuring that the care is received. Furthermore, a new
5 resident may receive daily therapy services and/or limited skilled nursing care services, as defined
6 through rules and regulations promulgated by the department of health, from a licensed health
7 care provider for a condition that results from a temporary illness or injury for up to forty-five
8 (45) days subject to an extension of additional days as approved by the department, or if the
9 resident is under the care of a licensed hospice agency provided that assisted living residence
10 assumes responsibility for ensuring that the care is received. For the purposes of this chapter,
11 "resident" shall also mean the resident's agent as designated in writing or legal guardian.

12 [\(10\) "Department" means Rhode Island department of health.](#)

13 **23-17.4-3. Purpose of provisions.** -- [Assisted living residences offer residential, personal](#)
14 [care and routine health services to encourage residents' independence, dignity quality of life and](#)
15 [resident choice in the least restrictive environment that offers appropriate social and safety](#)
16 [supports.](#) The purpose of this chapter is to provide for the development, establishment, and
17 enforcement of standards:

- 18 (1) For the care of residents in an assisted living residence;
- 19 (2) For the maintenance and operation of assisted living residences which will:
 - 20 (i) Promote the dignity, individuality, independence, privacy, and autonomy of residents;
 - 21 (ii) Provide a safe and home-like environment;
 - 22 (iii) Protect the safety, health and welfare of residents;
- 23 (3) For the encouragement of quality of life for all residents; ~~and~~
- 24 (4) For the encouragement of quality in all aspects of the operations of assisted living
25 residences: ; [and](#)

26 [\(5\) To optimize assisted living residents' ability to live in the residence safely,](#)
27 [independently, and comfortably despite physical or mental decline that might occur with aging or](#)
28 [disability, otherwise known as "aging in place."](#)

29 **23-17.4-10. Regulations, inspections, and investigations.** -- (a) The licensing agency
30 shall after public hearing pursuant to reasonable notice, adopt, amend, promulgate, and enforce
31 any rules, regulations, and standards with respect to assisted living residences for adults licensed
32 under this chapter as may be designed to further the accomplishment of the purposes of this
33 chapter, [as outlined in section 23-17.4-3,](#) in promoting safe and adequate living environments for
34 individuals in assisted living residences in the interest of public safety and welfare. These

1 regulations may provide for the establishment of levels of service provided by the residence.

2 (b) In addition to the annual inspection required by section 23-17.4-7, the licensing
3 agency shall make or cause to be made any inspections and investigations that it deems necessary
4 by duly authorized agents of the director at any time and frequency determined by the licensing
5 agency. The licensing agency shall establish regulations to determine the frequency of inspections
6 that shall include, but not limited to, the residence's past compliance with regulations, complaint
7 investigations, quality of care issues and license type.

8 (c) Upon request of the licensing agency, health agencies and professionals may share
9 resident health status information with the department of health for the purpose of determining
10 each resident's capability of self preservation.

11 (d) Each assisted living residence licensed under this chapter shall have a plan for
12 preventing the hazards of resident wandering from the facility. This plan shall be submitted to the
13 licensing agency in a format determined by the director.

14 (e) On or before December 31, 2013, the licensing agency shall initiate a comprehensive
15 review of its rules and regulations for licensing assisted living residences. The purpose of this
16 comprehensive review shall be to ensure that said rules and regulations optimally reflect the
17 purposes of this chapter and do not erect unnecessary barriers to aging in place. Further, the
18 department shall ensure that its rules and regulations not prevent qualified, appropriately licensed
19 ALR staff members from performing routine, non-skilled nursing tasks.

20 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 direct the department of health to complete a comprehensive review of its
- 2 rules and regulations for licensing assisted living residences.
- 3 This act would take effect upon passage.

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