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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 RESIDENCES

Introduced By: Representatives McNamara, Bennett, Edwards, Canario, and Lyle

Date Introduced: January 17, 2019

Referred To: House Health, Education & Welfare

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.](#)

19 (4) "Assisted living residence" means a publicly or privately operated residence that

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

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

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

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

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

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

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

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

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

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

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

32 (10) "Resident" means an individual not requiring medical or nursing care as provided in  
33 a health care facility but who as a result of choice and/or physical or mental limitation requires  
34 personal assistance, lodging and meals and may require the administration of medication and/or

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

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HEALTH AND SAFETY - ASSISTED LIVING RESIDENCES

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- 1           This act would allow some persons, who do not otherwise qualify to reside in a special
- 2   care unit in an assisted living residence to get into that unit under certain circumstances.
- 3           This act would take effect upon passage.

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