

2024 -- H 8153

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives Donovan, Carson, Speakman, Cotter, Henries, Spears,
and Fenton-Fung

Date Introduced: April 10, 2024

Referred To: House 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 "Assisted
2 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 administration
8 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 ongoing
13 basis on the effective management of the physical and behavioral problems of those with dementia.
14 The residents of the unit or program have had a standard medical diagnostic evaluation and have
15 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 and may
18 include the delivery of limited health services, as defined under subsection (12), to meet the

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

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

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

15 (7) "Family council" means an independent, self-determining group of family members
16 and friends established pursuant to § 23-17.4-15.11 that:

17 (i) Advocates for the needs and interests of the residents of a managed residential
18 community that offers assisted living services; and

19 (ii) Facilitates open communication between the managed residential community
20 administration, the residents and family and friends of the residents.

21 ~~(7)~~(8) "Licensing agency" means the Rhode Island department of health.

22 ~~(8)~~(9) "Qualified licensed assisted living staff members" means a certified nursing assistant
23 as provided under § 23-17.9-2(a)(3), a licensed practical nurse as provided under § 5-34-3(13)
24 and/or a registered nurse as provided under § 5-34-3(14).

25 ~~(9)~~(10) "Personal assistance" means the provision of one or more of the following services,
26 as required by the resident or as reasonably requested by the resident, on a scheduled or
27 unscheduled basis, including:

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

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

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

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

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

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

27 ~~(11)~~(12) “Supervision” means the supervision requirements of qualified licensed assisted
28 living staff delivering limited health services in accordance with this chapter, as defined through
29 rules and regulations promulgated by the department of health.

30 ~~(12)~~(13) “Limited health services” means health services, as ordered by the resident’s
31 physician, provided by qualified licensed assisted living staff members with supervision as required
32 in rules and regulations promulgated by the department of health. Nothing in this definition shall
33 be construed to limit the right of assisted living residents to access home nursing care or hospice
34 provider services.

1 SECTION 2. Chapter 23-17.4 of the General Laws entitled "Assisted Living Residence
2 Licensing Act" is hereby amended by adding thereto the following sections:

3 **23-17.4-15.10. Establishment of family councils.**

4 On or before January 1, 2025, all assisted living facilities shall authorize and assist in the
5 establishment of a family council in managed residential communities offering assisted living
6 services pursuant to the provisions of § 23-17.4-15.11. The family council shall not allow a family
7 member or friend of a resident who is not a resident of a dementia special care unit to participate
8 in the family council without the consent of the resident.

9 **23-17.4-15.11. Family councils.**

10 (a) For the purposes of this chapter, "family council" means an organized group of the
11 family members, friends or representatives of facility residents who may meet in private without
12 the presence of facility staff.

13 (b) The role of the family council shall be to address issues affecting residents generally at
14 the facility, not to pursue individual grievances. The family council shall not be entitled to obtain
15 information about individual residents or staff members, or any other information deemed
16 confidential under state or federal law.

17 (c) No licensed assisted living facility may prohibit the formation of a family council.
18 When requested by a member of a resident's family or a resident's representative, a family council
19 shall be allowed to meet in a common meeting room of the assisted living facility at least once a
20 month during mutually agreed upon hours.

21 (d) Upon the admission of a resident, the assisted living facility shall inform the resident
22 and the resident's family members, in writing, of their right to form a family council, or if a family
23 council already exists, of the date, time and location of scheduled meetings.

24 (e) The assisted living facility administration shall notify the state long-term care
25 ombudsman of the existence or planned formation of a family council at that facility.

26 (f) The family council may exclude members only for good cause, subject to appeal by the
27 excluded party to the state long-term care ombudsman. No member shall be excluded on the basis
28 of race or color, religion, gender, sexual orientation, disability, age or country of ancestral origin.

29 (g) A facility shall provide its family council with adequate space in a prominent posting
30 area for the display of information pertaining to the family council.

31 (h) Staff or visitors may attend family council meetings at the council's invitation.

32 (i) The assisted living facility shall provide a designated staff person who, at the request of
33 the council, shall be responsible for providing assistance to the family council and for responding
34 to recommendations and requests made by the family council.

1 (j) The assisted living facility shall consider the recommendations of the family council
2 concerning issues and policies affecting resident care and life at the assisted living facility.

3 (k) A violation of the provisions of this section shall constitute a violation of the rights of
4 assisted living residents.

5 SECTION 3. 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 establish, encourage and support the establishment of family councils in
- 2 managed residential communities providing assisted living services.
- 3 This act would take effect upon passage.

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