

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY - ASSISTED LIVING RESIDENCE LICENSING  
ACT

Introduced By: Senators DiPalma, Cote, C Levesque, Lanzi, and Jabour

Date Introduced: February 11, 2010

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.4-2 and 23-17.4-6 of the General Laws in Chapter 23-17.4  
2 entitled "Assisted Living Residence Licensing Act" are hereby amended to read as follows:

3 **23-17.4-2. Definitions.** – As used in this chapter:

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

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

8 (3) "Alzheimer's dementia special care unit or program" means a ~~distinct~~ designated  
9 living environment within an assisted living residence that has been physically adapted to  
10 accommodate the particular needs and behaviors of those with advanced dementia. The unit  
11 provides increased staffing, therapeutic activities designed specifically for those exhibiting  
12 symptoms of ~~with~~ advanced dementia and trains its staff on an ongoing basis on the effective  
13 management of the physical and behavioral problems of those with dementia. The residents of the  
14 unit or program have had a standard medical diagnostic evaluation and have been determined to  
15 have a diagnosis of advanced Alzheimer's dementia or another disease causing dementia and  
16 manifest behavior causing safety concerns. Residents can opt into this higher level of care by  
17 request.

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

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

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

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

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

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

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

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

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

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

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

1 more than one person for ambulation, are not appropriate to reside in assisted living residences.  
2 However, an established resident may receive daily skilled nursing care or therapy from a  
3 licensed health care provider for a condition that results from a temporary illness or injury for up  
4 to forty-five (45) days subject to an extension of additional days as approved by the department,  
5 or if the resident is under the care of a licensed hospice agency provided the assisted living  
6 residence assumes responsibility for ensuring that the care is received. For purposes of this  
7 statute, "resident" shall also mean the resident's agent as designated in writing or legal guardian.

8 **23-17.4-6. Issuance of license -- Posting -- Transfer.** -- (a) Issuance of license. - Upon  
9 receipt of an application for a license, the licensing agency shall issue a license if the applicant  
10 and assisted living residence meet the requirements established under this chapter; the director  
11 shall establish levels of licensure as provided in subsections (b) and (c) below and any rules and  
12 regulations may be established in accordance herewith. A license issued under this chapter shall  
13 be the property of the state and loaned to the licensee, and it shall be kept posted in a conspicuous  
14 place on the licensed premises. Each license shall be issued only for the premises and persons  
15 named in the application, and shall not be transferable or assignable except with the written  
16 approval of the licensing agency.

17 (b) Fire code and structural requirements.

18 (1) A residence with state fire code deficiencies may be granted a license which may be  
19 renewed subject to the submission of a plan of correction acceptable to the state division of fire  
20 safety, and provided the nature of the deficiencies are such that they do not jeopardize the health,  
21 safety, and welfare of the residents.

22 (2) A residence with residents who are blind, deaf, and physically disabled shall be  
23 subject to the applicable requirements of the American National Standards Institute (ANSI  
24 standards)(1961), and any other provisions that may be required by rules and regulations pursuant  
25 to this chapter.

26 (3) A residence that elects to comply with a higher life safety code and is so approved by  
27 the state division of fire safety and meets the department's requirements for the appropriate level  
28 of licensure may admit residents not capable of self preservation.

29 (c) Levels of licensure. - The department shall establish requirements for a basic license  
30 that apply to all assisted living residences. In addition, the department shall establish additional  
31 licensing levels of assisted living including, but not limited to:

32 (1) " [Advanced](#) Dementia care" licensure shall be required when one or more residents  
33 have a physician's diagnosis of [advanced](#) dementia or an assessment, as required by section 23-  
34 17.4-15.6, indicating [advanced](#) dementia-related functional impairments, and meet any of the

1 following:

- 2 (i) Safety concerns due to evidence of elopement or other dementia behaviors;
- 3 (ii) Inappropriate social behaviors that repeatedly infringe upon the rights of others;
- 4 (iii) Inability to self preserve due to [advanced](#) dementia; [unless the residence meets more](#)
- 5 [stringent life safety code requirements as provided under subdivision 23-17.4-6\(b\)\(3\)](#);
- 6 (iv) A physician's recommendation that the resident needs [advanced](#) dementia support
- 7 consistent with this level; or if the residence advertises or represents special dementia services or
- 8 if the residence segregates residents with dementia.

9 (2) In addition to the requirements for the basic license, licensing requirements for the

10 "dementia care" level shall include the following:

11 (i) Staff training and/or requirements specific to dementia care as determined by the

12 department;

13 (ii) A registered nurse on staff and available for consultation at all times and at least one

14 staff person with appropriate training and education as determined by regulation, on duty at all

15 times in Alzheimer's dementia special care units;

16 (iii) The residence shall provide for a secure environment appropriate for the resident

17 population.

18 (3) "Medication administration" when one or more residents requires medication

19 administration by appropriately qualified staff as determined by the department.

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

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- 1           This act would establish criteria when advanced dementia care licensure would be
- 2 required for assisted living residences.
- 3           This act would take effect upon passage.

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