

2010 -- S 2429

LC01819

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, Tassoni, Lanzi, Pichardo, 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. 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.** -- 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 living
9 environment within an assisted living residence that has been physically adapted to accommodate
10 the particular needs and behaviors of those with dementia. The unit provides increased staffing,
11 therapeutic activities designed specifically for those with dementia and trains its staff on an
12 ongoing basis on the effective management of the physical and behavioral problems of those with
13 dementia. The residents of the unit or program have had a standard medical diagnostic evaluation
14 and have been determined to have a diagnosis of Alzheimer's dementia or another dementia.

15 (4) "Assisted living residence" means a publicly or privately operated residence that
16 provides directly or indirectly by means of contracts or arrangements personal assistance to meet
17 the resident's changing needs and preferences, lodging, and meals to six (6) or more adults who
18 are unrelated to the licensee or administrator, excluding however, any privately operated

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

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

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

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

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

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

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

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

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

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

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

1 to forty-five (45) days subject to an extension of additional days as approved by the department,
2 or if the resident is under the care of a licensed hospice agency provided the assisted living
3 residence assumes responsibility for ensuring that the care is received. For purposes of this
4 statute, "resident" shall also mean the resident's agent as designated in writing or legal guardian.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would change the definition of “resident” for the purposes of the assisted living
- 2 residence licensing act by eliminating the requirement that the resident already be “established”
- 3 in order to receive daily skilled nursing care or therapy from a licensed health care provider.
- 4 This act would take effect upon passage.

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