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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

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

Introduced By: Senators Mack, Murray, Lauria, Acosta, Valverde, Quezada, Thompson,
and Kallman

Date Introduced: February 27, 2025

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.4-2 and 23-17.4-16.3 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.**

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 § 23-17.4-15.12 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 (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) “Resident council” means an independent, self-determining group of facility
28 residents established pursuant to § 23-17.4-15.11 that:

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

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

33 (13) “Supervision” means the supervision requirements of qualified licensed assisted living
34 staff delivering limited health services in accordance with this chapter, as defined through rules and

1 regulations promulgated by the department of health.

2 ~~(12)~~(14) “Limited health services” means health services, as ordered by the resident’s
3 physician, provided by qualified licensed assisted living staff members with supervision as required
4 in rules and regulations promulgated by the department of health. Nothing in this definition shall
5 be construed to limit the right of assisted living residents to access home nursing care or hospice
6 provider services.

7 **23-17.4-16.3. Residency agreement or contract.**

8 (a) Prior to exchange of any funds and prior to admission, except as provided in subsections
9 (c) and (d) herein, the residence shall execute a residency agreement or contract, signed by both the
10 residence and the resident, that defines the services the residence will provide and the financial
11 agreements between the residence and the resident or the residence’s representative.

12 (b) The department shall establish regulations specifying the minimum provisions of
13 residency agreements or contracts ~~and a minimum prior notification time for changes in rates, fees,~~
14 ~~service charges or any other payments required by the residence.~~ The residency agreement shall be
15 set forth in plain language, made available in not less than fourteen (14) point type, and shall include
16 at a minimum:

17 (1) An itemization of assisted living services, transportation services, recreation services
18 and any other services and goods, lodging and meals to be provided to the resident by the assisted
19 living residence;

20 (2) A full and fair disclosure of all charges, fees, expenses and costs to be borne by the
21 resident including nonrefundable charges, fees, expenses and costs;

22 (3) A schedule of payments and disclosure of all late fees or potential penalties;

23 (4) For written residency agreements entered into on and after November 1, 2025, the
24 manner in which the managed residential community may adjust monthly fees or other recurring
25 fees, including, but not limited to:

26 (i) How often fee increases may occur;

27 (ii) The schedule or specific dates of such increases; and

28 (iii) The history of rate and fee increases over the past three (3) calendar years;

29 (5) The facility shall share a current copy of the residency agreement including all
30 disclosures with the long-term care ombudsman program.

31 (c) Any advanced deposit, application fee, or other pre-admission payment shall be subject
32 to a signed document explaining fully the terms of the payment and the residence’s refund policy.

33 (d) Any increase to monthly or recurring fees after November 1, 2025, shall be disclosed
34 to residents or residents’ representatives in writing with a minimum advance notice of one hundred

1 twenty (120) days.

2 (e) In cases of emergency placement, the residency agreement or contract shall be executed
3 within five (5) working days of admissions.

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

6 **23-17.4-15.10. Establishment of resident and family councils.**

7 On or before November 1, 2025, all assisted living facilities shall authorize and assist in
8 the establishment of resident and family councils pursuant to the provisions of §§ 23-17.4-15.11
9 and 23-17.4-15.12.

10 **23-17.4-15.11. Resident councils.**

11 (a) For the purposes of this chapter, "resident council" shall have the meaning set forth
12 in § 23-17.4-2.

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

17 (c) The facility shall not willfully interfere with the formation, maintenance, or promotion
18 of a resident council, or with a resident council's participation in governmental surveys or
19 inspection activities performed by any applicable departments or other governmental entities.
20 When requested by one or more facility residents, a resident council shall be allowed to meet in a
21 common meeting room of the assisted living facility at least once a month during mutually agreed
22 upon hours. For purposes of this section, "willful interference" shall include, but shall not be limited
23 to, discrimination or retaliation in any way against an individual as a result of their participation in
24 a resident council, refusal to publicize resident council meetings or provide appropriate space for
25 meetings or postings as required under this section, and failure to respond to written requests,
26 concerns, or recommendations by a resident council as required under this section.

27 (d) Upon the admission of a resident, the assisted living facility shall inform the resident,
28 in writing, of their right to form a family council, or if a family council already exists, of the date,
29 time and location of scheduled meetings.

30 (e) The assisted living facility administration shall notify the state long-term care
31 ombudsman of the existence or planned formation of an independent resident council at that
32 facility. With the consent of the resident council designated representative(s), the facility shall share
33 the name and contact information of the designated representative(s) of the resident council with
34 the long-term care ombudsman program.

1 (f) The resident council may exclude residents from meetings only for good cause, subject
2 to appeal by the excluded party to the state long-term care ombudsman. No member shall be
3 excluded on the basis of race or color, religion, gender, sexual orientation, disability, age or country
4 of ancestral origin.

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

7 (h) Staff or visitors may attend resident council meetings only at the council’s invitation.

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

11 (j) If a resident council submits written requests, concerns, or recommendations, the facility
12 shall consider those requests, concerns, or recommendations, and respond in writing regarding any
13 action or inaction taken in response within five (5) business days and shall detail its rationale for
14 that response.

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

17 **23-17.4-15.12. Family councils.**

18 (a) For the purposes of this chapter, “family council” shall have the meaning set forth in §
19 23-17.4-2

20 (b) The role of the family council shall be to address issues affecting residents generally at
21 the facility, not to pursue individual grievances. The family council shall not be entitled to obtain
22 information about individual residents or staff members, or any other information deemed
23 confidential under state or federal law; provided however:

24 (1) A facility shall provide the family council with the names, email addresses, and other
25 contact information for each resident’s representatives, family members, or other individuals
26 designated by the resident if the person has not opted out of consent that their contact information
27 may be shared with the family council.

28 (2) The facility shall inform the identified family members, friends, and representatives of
29 their right to have their contact information shared with the family council and their right to consent
30 or withhold consent to have their contact information shared with the family council pursuant to
31 subsection (b)(1) of this section.

32 (c) The facility shall not willfully interfere with the formation, maintenance, or promotion
33 of a family council, or with a family council’s participation in governmental surveys or inspection
34 activities performed by any applicable departments or other governmental entities. When requested

1 by a member of a resident's family or a resident's representative, a family council shall be allowed
2 to meet in a common meeting room of the assisted living facility at least once a month during
3 mutually agreed upon hours. For purposes of this section, "willful interference" shall include, but
4 shall not be limited to, discrimination or retaliation in any way against an individual as a result of
5 their participation in a family council, refusal to publicize family council meetings or provide
6 appropriate space for meetings or postings as required under this section, and failure to respond to
7 written requests, concerns, or recommendations by a family council as required under this section.

8 (d)(1) If a facility has a family council, the facility shall inform the resident and the
9 resident's representatives, family members, or other individuals designated by the resident or
10 identified during the admission process of the existence of the family council. The facility shall
11 provide the resident and those family members, friends, and resident representatives with the name
12 and contact information of the family council representative, as designated by the family council,
13 in writing, prior to or within five (5) business days after the resident's admission or the resident's
14 representative, family member, or other individual is designated or identified. When family council
15 meeting information is provided by the family council, the facility shall include notice of family
16 council meetings in routine communications to those family members, friends, and resident
17 representatives. The notice shall include the time, place, and date of meetings, and the name and
18 contact information of the family council representative, as designated by the family council.

19 (2) If a facility does not have a family council, the facility shall provide, upon admission
20 of a new resident, written information to the resident's family members, friends, or resident
21 representatives identified during the admission process of their right to form a family council.

22 (3) The family council shall not allow a family member or friend of a resident to participate
23 in the family council over the objection of the resident.

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. With the
26 consent of the designated representative(s) of the family council, the facility shall share the name
27 and contact information of the designated representative(s) of the family council with the long-term
28 care ombudsman program.

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

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

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

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

4 (f) If a family council submits written requests, concerns, or recommendations, the facility
5 shall consider those requests, concerns, or recommendations, and respond in writing regarding any
6 action or inaction taken in response within five (5) business days and shall detail its rationale for
7 that response.

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

10 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 and
2 resident councils in managed residential communities providing assisted living services. This act
3 would further support the transparency of rates and fees to residents in managed residential
4 communities providing assisted living services and set a minimum notice period for rate increases
5 of one hundred twenty (120) days.

6 This act would take effect upon passage.

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