

2026 -- S 2875

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

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

Introduced By: Senators Mack, Lauria, Valverde, and Ujifusa

Date Introduced: March 04, 2026

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 an assisted living residence;
18 and

19 (ii) Facilitates open communication between the assisted living residence administration,
20 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 an assisted living residence;
30 and

31 (ii) Facilitates open communication between the assisted living residence administration,
32 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~~ resident’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.

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

17 (d) In cases of emergency placement, the residency agreement or contract shall be executed
18 within five (5) working days of admissions.

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

21 **23-17.4-15.10. Establishment of resident and family councils.**

22 On or before January 1, 2027, all assisted living residences shall allow for and support the
23 establishment of resident and family councils pursuant to the provisions of §§ 23-17.4-15.11 and
24 23-17.4-15.12.

25 **23-17.4-15.11. Resident councils.**

26 (a) For the purposes of this chapter, “resident council” shall have the same meaning set
27 forth in § 23-17.4-2.

28 (b) The role of the resident council shall be to serve in an advisory and collaborative
29 capacity with the facility to address matters affecting residents generally and to seek mutually
30 acceptable solutions. The resident council shall not address or resolve individual resident
31 grievances. The resident council shall not be entitled to obtain information about individual
32 residents or staff members, or any other information deemed confidential, or otherwise protected,
33 under state or federal law.

34 (c) The facility shall support and reasonably accommodate the formation and ongoing

1 operation of a resident council, including by providing reasonable access to meeting space and by
2 recognizing the resident council's right to meet, gather, and communicate.

3 (d) A facility shall provide its resident council with space in a prominent posting area for
4 the display of information pertaining to the resident council.

5 (e) It shall be the responsibility of the resident council to post a notice regarding the date,
6 time and location of scheduled meetings.

7 (f) Staff or visitors may attend resident council meetings at the council's invitation.

8 (g) When a resident council submits written requests, concerns, or recommendations to the
9 administrator of an assisted living residence, the facility shall consider such submissions and,
10 within thirty (30) business days, either respond in writing or meet in person with a representative
11 of the resident council regarding any action taken or not taken in response. The facility's response
12 shall include the rationale for such action or inaction. Where additional information is needed by
13 either party, the facility and the resident council shall work collaboratively and in good faith toward
14 a mutually acceptable resolution.

15 **23-17.4-15.12. Family councils.**

16 (a) For the purposes of this chapter, "family council" shall have the meaning set forth in §
17 23-17.4-2.

18 (b) The role of the family council shall be to serve in an advisory and collaborative capacity
19 with the facility to address matters affecting residents generally and to seek mutually acceptable
20 solutions. The family council shall not address or resolve individual resident grievances. The family
21 council shall not be entitled to obtain information about individual residents or staff members, or
22 any other information deemed confidential, or otherwise protected, under state or federal law.

23 (c) The facility shall support and reasonably accommodate the formation and ongoing
24 operation of a family council, including by providing reasonable access to meeting space and by
25 recognizing the family council's right to meet, gather, and communicate.

26 (d) The family council shall not allow a family member or friend of a resident to participate
27 in the family council over the objection of the resident.

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

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

31 (g) When a family council submits written requests, concerns, or recommendations to the
32 administrator of an assisted living residence, the facility shall consider such submissions and,
33 within thirty (30) business days, either respond in writing or meet in person with a representative
34 of the resident council regarding any action taken or not taken in response. The facility's response

1 shall include the rationale for such action or inaction. Where additional information is needed by
2 either party, the facility and the family council shall work collaboratively and in good faith toward
3 a mutually acceptable resolution.

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

6 This act would take effect upon passage.

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