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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representatives Casey, Newberry, Phillips, Carson, and Abney

Date Introduced: April 13, 2022

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

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

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

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

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

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

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

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

30 (10) "Resident" means an individual not requiring medical or nursing care as provided in  
31 a healthcare facility but who as a result of choice and/or physical or mental limitation requires  
32 personal assistance, lodging and meals and may require the administration of medication and/or  
33 limited health services. A resident must be capable of self-preservation in emergency situations,  
34 unless the facility meets a more stringent life safety code as required under § 23-17.4-6(b)(3).

1 ~~Unless provided herein, persons~~ Persons needing medical or skilled nursing care, including daily  
2 professional observation and evaluation, as provided in a healthcare facility, and/or persons who  
3 are bedbound or in need of the assistance of more than one person for ambulation, are not  
4 appropriate ~~to reside in~~ for initial admission to assisted living residences. However, an established  
5 resident may receive daily medical and/or skilled nursing care or therapy from a licensed healthcare  
6 provider ~~for a condition that results from a temporary illness or injury for up to forty five (45) days~~  
7 ~~subject to an extension of additional days as approved by the department~~ as necessary and/or  
8 appropriate for the resident's condition, known as assisted living flex care, or if the resident is under  
9 the care of a Rhode Island licensed hospice agency provided the assisted living residence assumes  
10 responsibility for ensuring that the required care is received. Furthermore, a new resident may  
11 receive daily ~~therapy services and/or limited~~ medical and/or skilled nursing care ~~services, or~~  
12 ~~therapy as defined through rules and regulations promulgated by the department of health,~~ from a  
13 licensed healthcare provider ~~for a condition that results from a temporary illness or injury for up to~~  
14 ~~forty five (45) days subject to an extension of additional days as approved by the department~~ as  
15 necessary and/or appropriate for the resident's condition, or if the resident is under the care of a  
16 licensed hospice agency provided that assisted living residence assumes responsibility for ensuring  
17 that the care is received. For the purposes of this chapter, "resident" shall also mean the resident's  
18 agent as designated in writing or legal guardian. Notwithstanding the aforementioned, residents  
19 who are bed bound or in need of assistance of more than one staff person for ambulation may reside  
20 in a residence if they are receiving hospice care in accordance with the rules and regulations  
21 promulgated by the department of health. For the purposes of this chapter, "resident" shall also  
22 mean the resident's agent as designated in writing or legal guardian.

23 (11) "Supervision" means the supervision requirements of qualified licensed assisted living  
24 staff delivering limited health services in accordance with this chapter, as defined through rules and  
25 regulations promulgated by the department of health.

26 (12) "Limited health services" means health services, as ordered by the resident's physician,  
27 provided by ~~qualified licensed assisted living staff members with supervision as required in rules~~  
28 ~~and regulations promulgated by the department of health.~~ a licensed health care professional,  
29 including, without limitation, stage I and stage II vascular ulcer treatment and prevention; simple  
30 wound care, including post-operative suture care/removal and stasis ulcer care; ostomy care,  
31 including appliance changes for residents who have established stomas; urinary catheter care;  
32 oxygen services, including both oxygen concentrators and portable tanks, monitoring pulse  
33 oximetry, assistance with respiratory equipment for residents who can no longer manage equipment  
34 on their own, including, without limitation, a bi-level positive airway pressure ventilator ("BIPAP")

1 [that helps with breathing, a continuous positive airway pressure machine \("CPAP"\) that provides](#)  
2 [constant airflow, nebulizers and inhalers; and physical, occupational, speech and language therapy.](#)  
3 Nothing in this definition shall be construed to limit the right of assisted living residents to access  
4 home nursing care or hospice provider services.  
5 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 allow assisted living facilities ("ALFs") the ability to provide assisted living  
2 flex care to better care for individuals whose health care needs progress over time. This act would  
3 allow ALFs to provide more intensive medical and skilled nursing care services to residents in the  
4 assisted living setting, as their care needs change over time, rather than requiring their transition to  
5 a skilled nursing facility when full-time skilled services are required for the resident. It would also  
6 remove the forty-five (45) day limitation on medical or skilled care permitted for a resident of an  
7 ALF, whose condition may require longer daily skilled care, because of that condition or illness.

8           This act would take effect upon passage.

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