

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Senators Mack, Miller, Kallman, Lauria, Britto, Acosta, Euer, McKenney, LaMountain, and Bell

Date Introduced: March 07, 2023

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 "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) "Family council" means an independent, self-determining group of family members
16 and friends who:

17 (i) Advocate for the needs and interests of the residents of a managed residential
18 community that offers assisted living services; and

19 (ii) Facilitate 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) “Supervision” means the supervision requirements of qualified licensed assisted
28 living staff delivering limited health services in accordance with this chapter, as defined through
29 rules and regulations promulgated by the department of health.

30 ~~(12)~~(13) “Limited health services” means health services, as ordered by the resident’s
31 physician, provided by qualified licensed assisted living staff members with supervision as required
32 in rules and regulations promulgated by the department of health. Nothing in this definition shall
33 be construed to limit the right of assisted living residents to access home nursing care or hospice
34 provider services.

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

3 **23-17.4-15.10. Establishment of family councils.**

4 On or before January 1, 2024, all assisted living facilities shall authorize and assist in the
5 establishment of a family council in managed residential communities offering assisted living
6 services. Such family council shall not allow a family member or friend of a resident who is not a
7 resident of a dementia special care unit to participate in the family council without the consent of
8 such resident.

9 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 in
- 2 managed residential communities providing assisted living services.
- 3 This act would take effect upon passage.

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