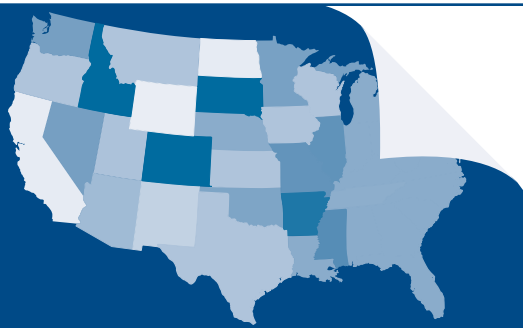


STATE POLICY UPDATE



**AMERICAN
SENIORS
HOUSING
ASSOCIATION**
Living Longer Better

March 20, 2019

ARIZONA

SB 1244 **Assisted Living Training** **McGee** **Legislation Pending**
This bill adds training, competency and test methodology standards developed by the Arizona Health Care Cost Containment System (AHCCCS) to the assisted living facility training program. It specifies that a person who has completed training and competency requirements developed by AHCCCS for in-home direct care workers satisfies the training requirements for assisted living facility caregivers, with certain exceptions. *January 29th Introduced – Referred to Rules and Health and Human Services Committee. February 13th Passed Health and Human Services Committee 6-0. February 28th Transmitted to the House. March 5th Assigned to Rules Committee; Assigned to Health and Human Services Committee. March 6th Read Second Time. March 21st Hearing Scheduled – Health and Human Services Committee.*

SB 1356 **Assisted Living Training** **Carter** **Legislation Pending**
This bill modifies specified assisted living facility caregiver training and testing requirements, including the following requirements: 62 hours of on-the-job training under the direct supervision of a licensed physician, registered nurse practitioner, licensed pharmacist, licensed physician assistant, or certified assisted living facilities manager with at least three years of experience; assisted living facility caregivers must pass the required Nursing Care Institution Administrators and Assisted Living Facility Managers (NCIA) examination with at least a 75% score; and requires NCIA to allow a person with on-the-job training in an assisted living facility to count the training hours towards requirements for certification as an assisted living facility caregiver. *January 31st Introduced. February 4th Referred to Rules and Health and Human Services Committees. February 13th Reported out of Health and Human Services Committee Do Pass. March 4th Committee of Whole Do Pass. March 5th Transmitted to House. March 12th Assigned to Rules and Health and Human Services Committees. March 13th Second Reading in House. March 12st Hearing Scheduled – Health and Human Services Committee.*

HB 2601 **Referral Agents** **Lawrence** **Legislation Pending**
This legislation states that a referral agent may not receive more than one move-in fee per resident at any time without documentation from the resident's primary care practitioner stating a change in the resident's level of care. A person may opt out of an agent's service at any time if they are not satisfied and an assisted living community has no obligation to pay the agent's commission. *February 6th – Introduced. February 14th – Assigned to Rules Committee and Assigned to Health & Human Services Committee. February 18th – Second Reading.*

CALIFORNIA

SB 305 **Medicinal Marijuana** **Hueso** **Legislation Pending**
This legislation would require providers to allow a resident to use medicinal marijuana under certain circumstances. It would not require the provider to store, administer, or assisted with the use of medicinal marijuana. *February 15th Introduced. February 28th Referred to Committee on Health.*

SB 345 **Placement Agencies** **Galgiani** **Legislation Pending**
This bill would make it a misdemeanor for an employee of a placement agency to place an individual in a licensed Residential Care Facility for the Elderly (RCFE) when the individual, because of a health condition, cannot be cared for within the limits of the license or requires inpatient care. By expanding the scope of a crime, this bill would impose a state-mandated local program. *February 19th Introduced – Referred to Committee on Rules. February 28th – Referred to Committee on Human Services.*

AB 737 **Licensing Applications** **Eggman** **Legislation Pending**
This legislation would require a landlord who rents or leases property to be used by a licensed RCFE and who is not involved in the Residential Care Facility for the Elderly (RCFE) itself, to be vetted in the same way as the licensee. Property owners who are not involved in the RCFE itself would need to travel to California to be fingerprinted and have their employment history and character references reviewed. *February 19th Introduced. February 28th Referred to Committee on Human Services.*

AB 1379 **Continuing Care Contracts** **Quirk** **Legislation Pending**
This bill would add a disclosure requirement concerning the terms of agreements made between prospective residents and the continuing care provider related to how long it may take to resell a unit under a repayable contract. *February 22nd Introduced.*

LTCOA Funding

The Long-Term Care Ombudsman Association is requesting an increase in General Fund dollars from the legislature to increase unannounced visits to Assisted Living and skilled nursing communities and for complaint investigations.

CONNECTICUT

SB 297 **Third Party Guarantors** **Kelly** **Legislation Pending**
This bill prevents assisted living communities from requiring a third-party guarantor as a requirement for admission. *January 23rd Referred to Joint Committee on Human Services.*

SB 819 **Third Party Guarantors** **Human Services Committee** **Legislation Pending**
This legislation prohibits providers of continuing care, including assisted living, from requiring a third-party guarantee of payment in any continuing care contract for admission or continued residency. All previous contracts requiring a third-party would be void upon enacting this law. *February 7th Introduced – Referred to Joint Committee on Human Services. February 19th Hearing Scheduled – Human Services Committee.*

HB 5359 **Certified Nursing Assistant** **Conley** **Legislation Pending**
This legislation would allow for a certified nursing assistant employed by an assisted living community to order and perform a urinalysis when a resident presents with symptoms and a physician is unavailable. *January 15th Referred to Joint Committee on Public Health.*

DISTRICT OF COLUMBIA

B 37 **LGBTQ & HIV Bill of Rights** **Cheh** **Legislation Pending**
This bill creates the LGBTQ and HIV long-term care bill of rights to establish explicit rights and legal protections for LGBTQ seniors and people with HIV in long-term care. Under this legislation it would be unlawful for a long-term care facility, employee, or contractor to deny an individual admission, refuse to transfer, discharge or evict a resident because of HIV or sexual orientation. *January 8th Referred to Government Operations. January 18th Noticed of Intent to Act.*

FLORIDA

HB 1033 SB 1070

CCRCs

Yarborough Lee

Legislation Pending

This legislation addresses regulatory reform of CCRCs and provides enhanced tools for the Office of Insurance Regulation (OIR) to enforce the Florida Insurance Code. The proposed bill creates criteria for OIR to identify financially challenged CCRCs and a process for early intervention and remediation of any weaknesses. This bill enhances the regulatory authority of the OIR in certain areas. Conditions for an “impaired” property and a “regulatory action level event” are defined and actions in response to these conditions are specified. Other areas of enhanced regulatory authority include: requirements for monthly, quarterly, and annual reports; requirements for notifications of financing/refinancing; regulatory requirements for change of management; expanded authority for examinations and inspections; grounds for discretionary action; authority on delinquency proceedings; authority to issue an immediate final order; and required minimum liquid reserves. Some issues addressed in the bill meant to benefit providers include: consolidation of Provisional Certificate of Authority (PCOA) and Certificate of Authority (COA); conditions for automatic approval of expansion; streamlining of the application process for acquisitions; conditions for exemption from quarterly reports; expanded escrow account options; clarification that electronic storage of records is permissible; no requirement of a separate actuarial study as part of PCOA application; and clarification that funds in excess of required Minimum Liquid Reserve requirements may be withdrawn by the provider without OIR approval. Parts of the bill meant to benefit residents include: required notices of financing/refinancing; notices of legal proceedings; posting of information on how to make a consumer complaint; notices of examination reports and administrative proceedings; notices of change of ownership; notices related to entrance fees; notices related to use of assets; notices of holding company or obligated group; restriction on the sale of contracts by impaired or insolvents providers; notices of quarterly meetings prior to monthly rate increases; and the requirement that the OIR must respond within 15 days to a complaint from an interested party about a CCRC. *HB 1033 February 22nd Filed. March 4th Referred to Insurance and Banking Subcommittee; Health and Human Services Committee; and Commerce Committee. SB 1070 February 14th Filed. February 22nd Referred to Banking and Insurance Committee; Children Families, and Elder Affairs Committee; and Appropriations Committee. March 6th On Committee Agenda. March 11th Hearing Scheduled – Committee on Banking and Insurance, Passed Committee 7-0. March 13th Sent to Children, Families, and Elder Affairs Committee.*

HB 1349 SB 1592

ALF Licensure

Good Harrell

Legislation Pending

This bill revises requirements and standards relating to Assisted Living Facility (ALF) licensure, inspections, and staff training and continuing education. *HB 1349 March 5th Introduced. March 8th Referred to Health Market Reform Subcommittee; Health Care Appropriations Subcommittee; and Health and Human Services Committee. March 19th Hearing Scheduled – Health Market Reform Subcommittee. SH 1592 March 1st Filed. March 8th Referred to Children, Families, and Elder Affairs and Appropriations Committees.*

SB 1364

Emergency Planning

Gruters

Legislation Pending

This bill requires assisted living communities to submit a comprehensive emergency management plan to the County Emergency Management Agency. The plan must include: a 72 hour supply of food, water, and essential supplies; the acquisition of an alternate power source; onsite fuel supply for 72 hours; installation and maintenance of carbon monoxide alarms; an evacuation plan; procedures for reoccupation; annual training for staff; and more. *February 25th Filed. March 4th Referred to Children, Families, and Elder Affairs; Infrastructure and Security; and Appropriations Committees.*

SB 1606

Assisted Living

Torres

Legislation Pending

This legislation provides that an assisted living community may not charge a fee to any entity or individual that provides health, social, legal, or other services to a resident for that entity or individual to have reasonable access to the resident. Also included in this legislation is the requirement to provide the Long-Term Care Ombudsman with a copy of a notice of relocation or termination of residency within 24 hours of issuing the notice. *March 1st Filed. March 8th Referred to Health Policy; Children, Families, and Elder Affairs; and Rules Committees.*

HB 7019	Agencies	Health Market Reform Subcommittee	Legislation Pending
SB 184		Book	

This legislation would transfer all powers, duties, functions, records, personnel, property, salary rate, budget authority, and administrative authority of the Department of Elderly Affairs relation to assisted living facilities to the Agency for Health Care Administration (AHCA). *March 5th Introduced. March 6th Hearing Scheduled – Health Care Appropriations Subcommittee. March 7th Passed Subcommittee (8-0). March 12th on Health and Human Services Committee Agenda. March 14th Passed Health and Human Services Committee (14-0).*

GEORGIA

HB 135	Electronic Monitoring	Douglas	Legislation Pending
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This bill would allow a resident or resident's representative to conduct electronic monitoring of the resident's room or private living unit. The electronic monitoring must be done at the resident's own expense. A resident must complete a consent form acknowledging that they consent to electronic monitoring. A notice to visitors must be posted at the community's entrance informing of the use electronic monitoring. Under the law communities would be protected from civil or criminal liability stemming from the disseminating of any recording. *February 6th First Reading. February 7th Second Reading.*

HB 300	CCRCs	Smith	Passed House
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This bill seeks to re-designate continuing care retirement communities as "life plan communities." *March 4th Passed House (167-1). March 14th Senate Committee Favorably Reported. March 18th Senate Read Second Time.*

HB 374	Hospice Care	LaHood	Passed House and Senate
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This legislation would allow for the authorization of certified medication aides to administer liquid morphine to residents under hospice care in assisted living communities, pursuant to a physician's written orders. *March 4th Passed House (165-0). March 18th Passed Senate (48-1).*

HAWAII

HB 692	Inspections	Mizuno	Legislation Pending
SB 525		Baker	

These bills would make Department of Health unannounced inspections of assisted living communities discretionary rather than mandatory. *January 22nd Introduced – Referred Health and Long Term Care Committee.*

HB 1393	Inspections	Arakawa	Legislation Pending
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This bill would require the Department of Health to notify operators of assisting living communities of unannounced visits or inspection two hours before the inspection. *January 24th Introduced – Referred to Health and Long Term Care Committee.*

IDAHO

SB 1096	Inspections	Health and Welfare	Passed House and Senate
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This bill provides that the Department of Health and Welfare will accept an accreditation survey from an accrediting organization for a residential care or assisted living community instead of regular compliance inspections. The accreditation commission's standards must meet or exceed the state requirements for licensure. *February 26th Passed Senate (34-0). March 15th Passed House (63-1).*

ILLINOIS

SB 109	Electronic Monitoring	Link	Legislation Pending
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This legislation amends the Authorized Electronic Monitoring in Long-Term Care Facilities Act to include communities that provide housing to individuals with dementia. *January 23rd – Referred to Assignments. February 5th Hearing Scheduled – Public Health Committee. March 4th Referred to Assignments. March 12th Hearing Scheduled – Public Health Committee; Reported Do Pass from Committee. March 13th Second Reading.*

HB 2314	Discrimination	Mah	Legislation Pending
SB 1319		Villivalam	

These bills prohibit unlawful discrimination of residents in assisted living by an owner, licensee, administrator, employee, or agent of an assisted living establishment. *SB 1319 February 7th Introduced – Referred to Assignments. February 13th Assigned to Human Services Committee. February 19th Hearing Scheduled – Human Services. March 5th Hearing Scheduled – Human Services. HB 2314 February 8th Introduced. February 13th Referred to Rules Committee. February 26th Assigned to Human Services Committee. March 20th Hearing Scheduled – Human Services Committee.*

HB 2488	CCRCs Task Force	Willis	Legislation Pending
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This bill creates the Continuing Care Retirement Community Transparency Task Force to research and collect information on transparency and consumer protection issues for life care contracts. It provides that the Task Force will review existing legal frameworks to identify all existing consumer protections for residents living in CCRCs and all areas in which more consumer protections for residents are necessary. It also provides that the Task Force will identify any shortcomings of the definition of “life care contract” and determine whether that definition should be expanded to include more senior living facilities. *February 13th Introduced – Referred to Rules Committee. February 26th Assigned to Human Services Committee. March 6th Hearing Scheduled – Human Services Committee. March 8th Referred to Rules Committee. March 20th Hearing Scheduled – Human Services Committee.*

HB 3521	Involuntary Terminations	Welch	Legislation Pending
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This legislation amends the Assisted Living and Shared Housing Act. It adds provisions concerning involuntary terminations of residency, hearings for when residency is involuntarily terminated, and the readmission of residents. The bill states that an establishment should notify a resident in writing when the establishment’s ability to meet the resident’s needs may be affected. If an establishment improperly terminates a residency, then they will be assessed a violation. Residents have the right not to be unlawfully transferred or discharged. The bill provides that in certain circumstances the Department will order immediate readmission of a resident. Failure to readmit a resident after receiving an order to do so from the Department will result in a daily fine. *February 15th Introduced – Referred to Rules Committee. March 5th Assigned to Human Services Committee. March 20th Hearing Scheduled – Human Services Committee.*

KANSAS

HB 2229	Electronic Monitoring	Children & Seniors	Legislation Pending
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This legislation would allow electronic monitoring of an assisted living community resident’s room to be admitted into evidence in court or to a state agency. *February 11th Introduced – Referred to Committee on Children and Seniors. February 19th Hearing Scheduled – Committee on Children and Seniors.*

HB 2343	Provisional Employment	Children & Seniors	Legislation Pending
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This legislation would remove the ability of an assisted living community to offer 60 days provisional employment pending the results of a background check. *February 14th Introduced – Referred to Committee on Children and Seniors. February 21st Hearing Scheduled – Committee on Children and Seniors.*

HB 2344	Antipsychotic Medication	Children & Seniors	Legislation Pending
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This legislation would require written informed consent before administering an antipsychotic to an assisted living resident. *February 14th Introduced – Referred to Committee on Children and Seniors.*

KENTUCKY

SCR 46	Dementia Workforce Task Force	Mills	Passed Senate
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This legislation creates the Alzheimer’s and Dementia Workforce Assessment Task Force to study the state’s healthcare workforce needs as well as the state’s long-term care services and supports infrastructure, including long-term care facilities that are used to provide care to individuals diagnosed with Alzheimer’s or dementia. *February 19th Third Reading, passed 35-0 with committee substitute. February 20th received in House. February 21st sent to House Health and Family Services Committee. February 28th Posted in Committee. March 4th Hearing Scheduled – House Standing Committee on Health and Family Services – Reported Favorably by Committee. March 5th Sent to Rules Committee. March 6th Posted for Passage.*

SB 128	Assisted Living Certification	Carroll	Passed Senate
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This bill states that an assisted living community will not be certified or have a certification renewed if it is owned, managed, or operated by, or employs any person, who: has been convicted of a felony offense related to theft, abuse or sale of illegal drugs, abuse, neglect or exploitation of an adult, or a sexual crime. *March 1st Passed Senate (36-0). March 1st Received in House – Referred to Health and Family Services Committee. March 13th Hearing Scheduled – House Standing Committee on Health and Family Services.*

SB 206	Staffing Ratios	Buford	Legislation Pending
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This legislation would require staff-to-resident ratios set by the Cabinet for Health and Family Services as a condition of licensure or relicensure of assisted living communities. The staffing ratios would be adjusted to meet the care needs of the residents based on acuity of care. *February 14th Introduced. February 26th Referred to Licensing, Occupations, and Administrative Regulations Committee.*

SB 234	Staff Training Requirements	Thomas	Legislation Pending
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This legislation would establish training and continuing education requirements for employees of long-term care communities. *February 15th Introduced. February 26th Referred to Licensing, Occupations, and Administrative Regulations Committee.*

SB 289	Passive Investor Liability	Riley	Legislation Pending
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This legislation states that a passive investor and any other individual, partnership, firm, association, or entity is not liable for any cause of action alleging a violation of resident's rights. Those liable other than the licensee of a long-term care facility include the licensee's management or consulting company, or the licensee's management, direct or independent contractors, or employees. *February 8th Introduced. February 13th Referred to Judiciary Committee.*

MAINE

LD 363	Defibrillators	Miramant	Legislation Pending
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This bill would require assisted living communities have an onsite defibrillator and to train employees on the operation of the defibrillator. The community must also have a process to quickly determine in the event of a medical emergency whether an individual residing in the community has made a health care decision that includes a do not resuscitate order. *January 24th Introduced – Referred to Health and Human Services Committee. February 28th Hearing Scheduled – Health and Human Services Committee.*

MARYLAND

HB 399	Aid in Dying	Pendergrass	Passed House
SB 311		Smith	

These bills provide that a health care facility, including assisted living communities, may not require a physician on staff to participate in aid in dying. *SB 311 January 30th Referred to Judicial Proceedings Committee. February 19th Hearing Scheduled – Judicial Proceedings Committee. HB 399 March 7th Passed House (74-66).*

SB 411	CCRCs	West	Legislation Pending
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This bill would require local boards of elections to establish separate precincts in continuing care retirement communities of 200 or more persons who are at least 60 years of age to specifically serve at least the residents of those retirement communities, if a CCRC requests a polling place be established on the premises. *February 1st – Referred to Education, Health and Environmental Affairs Committee. February 21st Hearing Scheduled – Education, Health and Environmental Affairs Committee. March 4th Unfavorable Report by Education, Health, and Environmental Affairs Committee.*

HB 588	CCRCs	Hettleman	Passed House and Senate
SB 698		Kelley	

These bills repeal the prohibition against a CCRC provider, subscriber, or group of subscribers being represented by counsel during a mediation following an internal grievance procedure. *HB 588 March 13th Passed House (138-0). March 14th First Read in Senate Finance Committee. SB 698 March 18th Passed Senate (46-0).*

MASSACHUSETTS

HB 625 SB 365	Expanded AL Services	Pignatelli Jehlen	Legislation Pending
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This legislation would allow assisted living communities to provide basic health services, including: injections; application or replacement of simple non-sterile dressings; management of oxygen on a regular and continuing basis when the resident's medical condition warrants; or application of ointments or drops. A sponsor may not provide basic health services without submitting an operating plan to the Executive Office of Elder Affairs for its approval that explains how the residence's basic health services will meet the needs of its resident population or individual residents therein, and the staff qualifications and training for providing such services. The sponsor shall disclose to each resident the fees associated with provision of basic health services within the assisted living residence's residency agreement, and shall review such fees with the resident upon implementation and any revision to a service plan which includes provision of basic health services. *HB 625 January 22nd Introduced – Referred to Committee on Elder Affairs. SB 365 January 22nd Introduced – Referred to Committee on Elder Affairs.*

SB 374	Abuse Reporting	O'Connor	Legislation Pending
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This bill grants immunity from any civil or criminal liability to an employee of an assisted living community that reports neglect or abuse. The bill also protects those who report neglect and abuse from discharge of employment or any discrimination by their employer. *January 22nd Introduced – Referred to Committee on Elder Affairs.*

SB 378	CCRCs	Rush	Legislation Pending
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This bill would create a special commission to study the regulation of CCRCs, including: their impact on consumers, financial viability, payment and return of entrance fees, statutory and regulatory oversight, procedures for closure, and marketing. *January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 595	Dispute Resolution	Arciero	Legislation Pending
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This bill establishes an informal dispute resolution process that allows assisted living residences to contest findings for which corrective action is determined by the Executive Office of Elder Affairs. The agency will offer an opportunity to dispute and appeal the findings. The request must be submitted in writing within 10 days of receipt of the agency's findings. *January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 599 SB 156	AL Consumer Rights	Barber Jehlen	Legislation Pending
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This legislation requires the attorney general to protect the consumer rights of residents of assisted living residences against unfair deception acts or practices to provide that a violation of such regulations should be considered a violation of consumer protection law. *HB 599 January 22nd Introduced – Referred to Committee on Elder Affairs. SB 156 January 22nd Introduced – Referred to Committee on Consumer Protection and Professional Licensure.*

HB 604 SB 1214	Assisted Living	Cronin Chandler	Legislation Pending
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These bills would create an emergency task force to review the financial stability of nursing homes and also the regulatory oversight and market position of assisted living communities. *SB 1214 January 22nd Introduced – Referred to Public Health Committee. HB 604 January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 617 SB 368	CCRC Entrance Fees	Khan Lovely	Legislation Pending
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These bills would require communities to provide prospective residents a disclosure of entrance fee refund that states the amount of the entrance fee to be refunded and the process by which the provider will make such refund. *SB 368 January 22nd Introduced – Referred to Committee on Elder Affairs. HB 617 January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 619	Affordable Assisted Living	Mariano	Legislation Pending
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This bill directs the executive office of health and human services to investigate and establish a zero interest loan trust fund for the purpose of establishing a program to convert entire or parts of licensed nursing facilities to community-based residences, including assisted living residences. *January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 620 SB 359	AL Abuse Registry	Nguyen Jehlen	Legislation Pending
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This legislation creates a registry of abuse in assisted living. All assisted living residences must contact the registry before hiring an employee to ascertain if there is a finding of resident abuse, mistreatment, neglect or misappropriation of resident property against a nurse aide, home health aide, homemaker, or personal care services provider. No community can hire a person that appears on the registry. A person convicted of abuse will be permanently suspended from working as a nurse aide, home health aide, homemaker or personal care services provider. *HB 620 January 22nd Introduced – Referred to Committee on Elder Affairs. SB 359 January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 627 SB 370	Defibrillators	Rogers Montigny	Legislation Pending
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These bills would require assisted living communities to have automated external defibrillators on site. At least one person must be trained in the operation and use of the defibrillator. *HB 627 January 22nd Introduced – Referred to Committee on Elder Affairs. SB 370 January 22nd Introduced – Referred to Committee on Elder Affairs.*

HB 627	Memory Care Oversight	Ayers	Legislation Pending
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This bill will instruct the Department of Public Health to conduct a comprehensive study of the feasibility of absorbing oversight of all memory care units of assisted living facilities in the Commonwealth from the Department of Elder Affairs. *January 22nd Introduced – Referred to Committee on Public Health.*

MINNESOTA

HF 90 SF 8	Assisted Living Licensure	Schultz Housley	Legislation Pending
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This legislation would establish a four-level licensing system for assisted living communities, including: for communities offering housing with supportive services only, for communities that provide basic healthcare services, for communities offering comprehensive healthcare services, and for communities providing memory care. The bill also addresses electronic monitoring in communities and establishes an assisted living resident's bill of rights. *SF 8 January 10th Introduced – Referred to Family Care and Aging. March 20th Hearing Scheduled – Family Care and Aging Committee. HF 90 January 17th Introduced – Referred to Health and Human Services. February 25th Committee Report to adopt as amended and re-refer to Judiciary Finance and Civil Law Division. March 4th Re-Referred to Government Operations Committee. March 7th Committee Report to adopt and re-refer to Committee. March 14th Committee Report, Re-refer to Ways and Means Committee. March 15th Referred to Health and Human Services Committee.*

HF 146 SF 11	Electronic Monitoring	Schultz Housley	Legislation Pending
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These bills would allow a resident or resident's representative to conduct electronic monitoring of the resident's room or private living unit. Communities would be prohibited from refusing to admit, removing, retaliating, or discriminating against a resident for installing a camera. The electronic monitoring must be done at the resident's own expense. A resident must complete a consent form acknowledging that they consent to electronic monitoring. A notice to visitors must be posted at the community's entrance informing of the use electronic monitoring. Under the law communities would be protected from civil or criminal liability stemming from the disseminating of any recording. *SF 11 January 10th Introduced – Referred to Family Care and Aging. February 7th Committee Report: To pass as amended and re-refer to Health and Human Services Finance and Policy. February 12th Hearing Scheduled – Health and Human Services Finance and Policy. February 14th Committee Report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy. February 21st Committee Report: To pass as amended. March 18th Rereferred to Finance Committee. HF 146 January 17th Introduced – Referred to Health and Human Services Committee. February 6th Hearing Scheduled – Health and Human Services.*

SF 121	Assisted Living	Dibble	Legislation Pending
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This bill creates a state assisted living task force to review existing state regulation and oversight of assisted living and dementia care and make recommendations to the legislature for improving protections for each older and vulnerable adult residing in an assisted living community. The task force's recommendations must include standards and criteria for an assisted living license. *January 14th Introduced - Referred to Family Care and Aging Committee.*

HF 649 SF 805	Assisted Living Bill of Rights	Olson Dibble	Legislation Pending
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This legislation sets forth an assisted living resident's bill of rights with requirements for consumer protection. The bill requires a written contract with specified terms including: duration of the contract, complaint procedures, notices required by communities, record keeping requirements, and prohibition of waivers of liability. The bills establish required notice to residents of change in ownership or management and allow for electronic monitoring by residents. *HF 649 February 4th Introduced – Referred to Health and Human Services Committee. SF 805 February 4th Introduced – Referred to Family Care and Aging Committee.*

HF 1298 SF 2135	Minimum Wage	Considine Frentz	Legislation Pending
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This legislation sets a minimum wage of \$14 per hour for work done by providers of personal care services. *HB 1298 February 18th Introduced – Referred to Ways and Means Committee. SF 2135 March 7th Introduced – Referred to Human Services Reform Committee.*

SF 2410	Assisted Living	Abeler	Legislation Pending
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This bill would require assisted living communities, in order to maintain their registration, to demonstrate that at least ten percent of residents are elderly waiver participants. If a community is out of compliance, then it has 180 days to come into compliance. *March 13th Introduced – Referred to Family Care and Aging Committee.*

MISSOURI

HB 433 HB 622 SB 165	Certificate of Need	Chipman Helms Eigel	Legislation Pending
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This legislation would repeal the certificate of need law for long-term care communities in Missouri. *SB 165 January 9th Introduced. January 31st Referred to Senate Health and Pensions Committee. February 6th Hearing Scheduled – Health and Pensions. HB 433 January 3rd Introduced. January 23rd Referred to Downsizing State Government Committee. February 11th Hearing Scheduled – Downsizing State Government Committee. March 11th Hearing Scheduled – Downsizing State Government Committee. HB 622 January 22nd Introduced.*

HB 232	Price of Services	Helms	Legislation Pending
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This bill requires a health care provider, including long-term care communities, to provide public access to a price list of the services and products the provider offers. Each service and product listed must include an industry standard name and code, layperson description, and the amount that will be charged to a resident if all charges are paid in full without a third party paying and portion of the charges. *January 9th Introduced. January 16th Referred to Health and Mental Health Committee. February 11th Hearing scheduled – Health and Mental Health Committee.*

HB 177	Suicide Prevention	Washington	Legislation Pending
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This bill requires that assisted living communities have on staff at least one person who has received training in suicide assessment, treatment, and management. Each community will inform employees of the name and contact information of such staff member and the process for reporting suicide concerns regarding residents. Each community must provide a suicide prevention and awareness handout to residents. Any community that complies with these requirements will not be civilly liable for a death that occurs in the community that was caused solely by suicide. *January 9th Read First Time. January 10th Read Second Time.*

HB 675	Electronic Monitoring	McDaniel	Legislation Pending
HB 1176		Murphy	

These bills would allow a resident or resident's representative to conduct electronic monitoring of the resident's room or private living unit. Communities would be prohibited from refusing to admit, removing, retaliating, or discriminating against a resident for installing a camera. The electronic monitoring must be done at the resident's own expense. A resident must complete a consent form acknowledging that they consent to electronic monitoring. A notice to visitors must be posted at the community's entrance informing of the use electronic monitoring. *HB 675 January 24th Introduced – Read First Time. January 28th Read Second Time. February 7th – Referred to Special Committee on Aging. February 20th Hearing Scheduled – Special Committee on Aging. March 13th Hearing Scheduled – Special Committee on Aging, Voted Do Pass. HB 1176 February 28th Introduced. March 12th Referred to Health and Mental Health Policy Committee.*

MONTANA

HB 566	Background Checks	Schreiner	Legislation Pending
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This legislation would require assisted living communities to conduct a background check on all applicants for employment. An assisted living community may not employ someone who has been found guilty, has been subject to disciplinary action by the state licensing board, or has had a finding entered into the state nurse aide registry concerning an offense involving abuse, neglect, exploitation, mistreatment, or misappropriation of property. *February 20th Introduced – Referred to Committee on Business and Labor. February 27th Hearing Scheduled – Business and Labor Committee. March 2nd Missed Deadline for General Bill Transmittal.*

HB 613	CCRCs	Skees	Legislation Pending
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This bill provides that a continuing care retirement community may apply for a limited, nontransferable all-beverages license that is exempt from a quota. *February 22nd Introduced – Referred to Committee on Business and Labor Committee. March 11th Hearing Scheduled – Business and Labor Committee. March 21st Hearing Scheduled – Business and Labor Committee.*

NEBRASKA

LB 571	Grievance Database	Walz	Legislation Pending
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This legislation would require the Department of Health and Human Services to establish and maintain a database of grievance procedures provided to an applicant for admission to an assisted living community. *January 22nd Introduced. January 24th Referred to Health and Human Services Committee. March 1st Hearing Scheduled – Health and Human Services.*

LB 597	Incident Reporting	Walz	Legislation Pending
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This legislation would require the administrator of an assisted living community to report to the Division of Behavioral Health of the Department of Health and Human Services any incident involving violence between residents, any incident involving violence between a resident and employee, any incident involving an injury to a resident or employee which requires urgent and immediate medical treatment and restricts the injured person's usual activities, and any incident involving bed bugs. *January 23rd Introduced. January 25th Referred to Health and Human Services Committee. March 1st Hearing Scheduled – Health and Human Services.*

NEVADA

SB 223	Power of Attorney	Cannizzaro	Legislation Pending
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This bill states that an agent under a power of attorney may consent to placement of the principal in an assisted living community only if the power of attorney expressly grants the agent that authority. *February 18th Introduced. February 26th Hearing Scheduled – Judiciary Committee.*

NEW HAMPSHIRE

SB 255 **Dementia Training** **Feltes** **Legislation Pending**
This bill requires dementia training for direct care staff in residential facilities and community-based settings. *January 25th Introduced – Referred to Executive Departments and Administration Committee. February 6th Hearing Scheduled. March 7th Committee Report Do Pass.*

SB 256 **Emergency Power** **Morgan** **Legislation Pending**
This bill requires that senior housing receiving any state, county, or federal funding be equipped with emergency power generator service in a common area. *January 25th Introduced – Referred to Executive Departments and Administration. January 30th Hearing Scheduled – Executive Departments and Administration Committee. March 6th Rereferred to Committee.*

HB 531 **Absentee Voting** **Ebel** **Legislation Pending**
This bill permits unrelated caregivers to deliver absentee ballots on behalf of voters who reside in nursing homes or assisted living facilities. *January 15th Introduced – Referred to Election Law Committee. January 29th Hearing Scheduled – House Election Law Committee. February 21st Committee Report – Ought to Pass. March 7th Committee Report Do Pass.*

NEW JERSEY

AB 436 **Emergency Power** **Schaer** **Passed House**
SB 2399 **Kean**
This legislation requires electric public utilities to provide priority power restoration to certain medical facilities, assisted living facilities, and nursing homes. *February 25th Passed Assembly (76-0). March 4th Received in Senate – Referred to Senate Economic Growth Committee.*

AB 1141 **Emergency Generators** **Wimberly** **Legislation Pending**
SB 1152 **Ruiz**
These bills create a standard under the State Uniform Construction Code for those newly-constructed residential multiple dwellings in which at least 90 percent of the units will be occupied by seniors, and for which an application for a construction permit has not been declared complete by the enforcing agency before the effective date of the bill, requiring such housing units or complexes to be equipped with a standby emergency power generator. Seniors are defined under the bill as persons 62 or older. The bill requires for these generators to be tested regularly. *SB 1152 Introduced January 25th in the Senate – Referred to Senate Community and Urban Affairs Committee. March 4th Hearing Scheduled – Community and Urban Affairs Committee.*

SB 3319 **CNA Tax Credit** **Gopal** **Legislation Pending**
This bill provides corporation business tax credit to long-term care facilities, including assisted living communities, that pay for the training and certification of certified nurse aides (CNAs). *January 15th Introduced – Referred Health Committee.*

SB 3559 **Dispute Resolution** **Madden** **Legislation Pending**
This bill requires the Department of Health to establish a process for assisted living residences to request an informal dispute resolution hearing before an independent third party panel concerning any deficiencies cited during an inspection of the community to which the community objects. *March 7th Introduced – Referred to Health and Human Services and Senior Citizens Committee.*

AB 5075 **LGBTQ Bill of Rights** **Huttle** **Legislation Pending**
SB 3484 **Singleton**
This legislation establishes certain requirements concerning the rights of residents of long-term care facilities, including assisted living, who are lesbian, gay, bisexual, transgender, questioning, queer, or intersex (LGBTQI). Communities would not be allowed to: deny admission, deny a request to share a room, prohibit restroom use by gender, deny resident's choice of clothing, willfully fail to use preferred pronouns, deny choice of room if rooms are assigned by gender, or

continued on next page

restrict resident's right to associate with visitors or other residents. All communities would be required to prominently post a notice stating that the community does not discriminate and does not permit discrimination. *SB 3484 February 14th Introduced – Referred to Senate Health Committee. AB 5075 February 25th Introduced – Referred to Assembly Health and Senior Services Committee.*

NEW MEXICO

SJM 15	Gross Receipts Tax	Munoz	Legislation Pending
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This bill encourages the Taxation and Revenue Department to meet with representatives of the assisted living community operators to determine a fair, uniform standard to determine gross receipts tax calculations. *February 15th Introduced – Referred to Rules Committee. March 6th Reported by Committee Do Pass. March 10th Hearing Scheduled – Senate Public Affairs Committee.*

NEW YORK

AB 866 SB 2912	LGBTQ Bill of Rights	Simotas Hoylman	Legislation Pending
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This legislation establishes the lesbian, gay, bisexual, and transgender long-term care facility residents' bill of rights. *AB 866 January 11th Introduced – Referred to Aging Committee. SB 2912 January 30th – Referred to Aging.*

AB 5158 SB 897	Access to Services	Cymbrowitz Young	Legislation Pending
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This legislation enacts the "independent senior housing resident freedom of choice act" to authorize persons in independent housing, shelters and residences to receive services they could otherwise receive if they resided in a private residence. The bill clarifies that individuals living in senior housing have the right to access and obtain the same services that they would if they were an individual residing in the community, from the provider of their choosing. These services include personal care, home care, case management, technologies and other community services that support them to live independently in the community. *SB 897 January 9th Introduced – Referred to Aging Committee. AB 5158 February 7th Introduced – Referred to Aging Committee.*

AB 1033	Psychotropic Medication	Gottfried	Legislation Pending
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This bill requires an enhanced level of informed consent before psychotropic medication can be prescribed for patients residing in nursing homes or adult care facilities, as well as assisted living communities. *January 14th Introduced - Referred to Health Committee. February 11th Reported out of Committee and Referred to Codes. February 21st Advanced to 3rd Reading.*

AB 1140	Assisted Living	Rosenthal	Legislation Pending
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This bill requires assisted living communities to provide notification to residents and their legal representatives about any changes in contracts affecting the medical and/or support services to the resident one hundred eighty days' notice prior to any changes taking effect. *January 14th Introduced – Referred to Health Committee.*

AB 1185	CCRCs	Cahill	Legislation Pending
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This bill authorizes continuing care retirement communities to adopt a written cybersecurity policy and requires such policies to be self-certified and approved by the superintendent of the Department of Financial Services (DFS). *January 14th Introduced – Referred to Insurance Committee.*

AB 1207	Assisted Living	Gottfried	Legislation Pending
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This bill requires that a registered nurse be on staff five days a week to assure adequate assessment and monitoring of resident care in enhanced or special needs assisted living facilities. *January 14th Introduced – Referred to Health Committee.*

SB 1315	Sex Offenders	Serino	Legislation Pending
This bill would prohibit a registered sex offender from working or volunteering at any facility whereby they would have unsupervised access to residential living quarters, including an assisted living community. <i>January 14th Introduced – Referred to Crime Victims, Crime and Correction Committee.</i>			
AB 1418 SB 4232	Community Closures	Simon Parker	Legislation Pending
These bills would create a commission to study the effects of closures of assisted living communities on the residents of those communities and their families. The commission would make recommendations for additional legislation or regulations as needed to govern the closing of assisted living communities. <i>AB 1418 January 15th Introduced – Referred to Aging Committee. SB 4232 March 5th Referred to Aging Committee.</i>			
AB 1430	Alzheimer's Disease	Simon	Legislation Pending
This bill creates the Alzheimer's disease outreach and education program to promote earlier identification of the disease, provide information and assistance on where to find community supports and to promote public awareness concerning Alzheimer's disease and related dementia. <i>January 15th Introduced – Referred to Aging Committee.</i>			
AB 1615 SB 1193	Temporary Operators	Wright Stewart-Cousins	Passed Senate
This legislation would require the Department of Health to direct temporary operators to provide written notification to residents of all assisted living communities when they are appointed as a temporary operator of such community. <i>SB 1193 January 15th Passed Senate (61-0). AB 1615 January 15th Introduced – Referred to Health Committee.</i>			
SB 1788	Nursing Services	Rivera	Legislation Pending
This bill allows an assisted living residence or special needs assisted living residence to provide nursing services in the community that are not continual, either by arrangement with a provider of nursing services or by employment in order to avoid unnecessary transfers to hospitals and nursing homes. <i>January 16th Introduced – Referred to Health Committee.</i>			
SB 1803	CCRCs	Rivera	Legislation Pending
This bill enhances the authority of the Department of Health to supervise and regulate continuing care retirement communities. <i>January 16th Introduced – Referred to Health Committee.</i>			
SB 1814	Hospice Care	Rivera	Legislation Pending
The purpose of this legislation is to allow residents of an assisted living facility who are receiving Medicaid to be able to access hospice services while remaining in their assisted living facility. Current Medicaid policy prevents terminally ill Assisted Living Program residents from accessing hospice services, forcing many residents to transfer to a nursing home to receive hospice care. <i>January 16th Introduced – Referred to Health Committee.</i>			
AB 2118	Assisted Living	Hunter	Legislation Pending
This bill would amend the real property law, in relation to individuals with disabilities being able to terminate their leases when moving to a residence of a family member or entering certain facilities, including assisted living. <i>January 22nd Introduced – Referred to Housing Committee.</i>			
AB 3050 SB 4609	Community Closures	Simon Savino	Legislation Pending
This bill specifies procedures for the closure of privately funded assisted living residences. It requires written notice, department approval, and includes timetables. It requires residents to be notified and assisted in relocating. The operator cannot close the residence until all residents have transferred to appropriate alternative settings. <i>January 28th Introduced – Referred to Health Committee. February 11th Reported from Committee and Referred to Committee on Codes. March 8th Hearing Scheduled – Codes. March 14th Advanced to Third Reading. SB 4609 March 15th Referred to Aging Committee.</i>			

AB 4275 SB 3066	Assisted Living Fees	DenDekker Lanza	Legislation Pending
This legislation would authorize a study in to the rate of fees and charges being assessed to residents of assisted living communities. <i>AB 4275 February 1st Introduced – Referred to Aging Committee. SB 3066 February 1st Introduced – Referred to Aging Committee. March 18th Hearing Scheduled – Aging Committee.</i>			
AB 4277 AB 5638	Abuse Reporting	Aubry Giglio	Legislation Pending
These bills establish mandatory abuse reporting requirements for mentally or physically incapacitated persons, including residents of assisted living. <i>AB 4277 February 4th Introduced – Referred to Health Committee. AB 5638 February 14th Introduced – Referred to Aging Committee.</i>			
AB 4554	Seniors Housing	Hyndman	Legislation Pending
This legislation creates the New York State Senior Housing Opportunities Partnership Authority, which will work with small-cap banks and developers to expand senior housing in the state. A bank is defined as any bank that has a market capitalization of less than \$2 billion. This legislation empowers the Authority to make loans, provide credit for loans, or provide other financing instruments. <i>February 4th Introduced – Referred to Aging Committee.</i>			
AB 4619 SB 3030	Alzheimer's Care CCRCs	Englebright Funke	Legislation Pending
These bills would require continuing care retirement communities that advertise or market as providing Alzheimer's and dementia special care to disclose the form of care or treatment provided. <i>SB 4619 February 4th Introduced – Referred to Aging Committee. SB 3030 January 31st Introduced – Referred to Health Committee.</i>			
AB 4720	Defibrillators	Englebright	Legislation Pending
This legislation requires assisted living communities to have at least one automated external defibrillator and one employee certified in CPR on premises at all times. <i>February 5th Introduced – Referred to Health Committee.</i>			
AB 5121	Seniors Housing Task Force	Cymbrowitz	Legislation Pending
This bill establishes a senior housing task force for the purposes of conducting a state-wide assessment of senior housing needs taking into consideration the various geographical areas and different needs of the seniors in those areas and resources available in those different areas. <i>February 7th Introduced – Referred to Aging Committee.</i>			
AB 5616 SB 4486	Temporary Operators	Weinstein Carlucci	Legislation Pending
This bill would allow residents to seek the appointment of a temporary operator and would allow the commissioner to join as a party to such an action. This would supplement, but in no way limit or replace, the current discretionary power that the commissioner must independently appoint a temporary operator under section 2806-a of the public health law or the commissioner's power under Section 461-f to seek the appointment of a receiver. <i>AB 5616 February 14th Introduced – Referred to Health Committee. SB 4486 March 13th Referred to Health Committee.</i>			
AB 5666	Alzheimer's Awareness	Englebright	Legislation Pending
This legislation establishes the Alzheimer's disease outreach and education program to promote earlier identification of the disease, provide information and assistance on where to find community supports, and to promote public awareness concerning Alzheimer's and related dementia. Part of the program would promote earlier identification of Alzheimer's disease in assisted living communities. <i>February 14th Introduced – Referred to Health Committee.</i>			
AB 6040	Background Checks	Lawrence	Legislation Pending
This bill would require supportive maintenance employees in assisted living communities to undergo criminal history background checks. <i>February 26th Referred to Health Committee.</i>			

NORTH CAROLINA

HB 325 **Assisted Living** **Black** **Legislation Pending**
This bill would allow assisted living communities to use service plans completed for a Medicaid personal care services assessment to fulfill the activities of daily living portion of the required service plans or care plans for assisted living. *March 11th Filed. March 12th Referred to Committee on Aging.*

NORTH DAKOTA

SB 2113 **Electronic Monitoring** **Human Services** **Passed Senate**
This bill would allow a resident or resident's representative to conduct electronic monitoring of the resident's room or private living unit. Communities would be prohibited from refusing to admit, removing, retaliating, or discriminating against a resident for installing a camera. The electronic monitoring must be done at the resident's own expense. A resident must complete a consent form acknowledging that they consent to electronic monitoring. A notice to visitors must be posted at the community's entrance informing of the use electronic monitoring. *January 25th Passed (47-0). February 13th Introduced in House – Referred to Human Services Committee. March 4th Hearing Scheduled – House Human Services.*

OKLAHOMA

SB 142 **Antipsychotic Medication** **Bice** **Passed Senate**
This legislation would set certain conditions that must be met before additional antipsychotic drugs can be prescribed or administered to a resident of an assisted living community. The resident must be examined by the prescribing clinician, previous attempts to use nonpharmacological care options have failed, a written explanation of informed consent laws must be provided, and written consent received from the resident or their representative. No community may deny admission or continued residency based on a resident's refusal to take a drug. *February 19th Passed Senate (46-1). February 20th Engrossed to House.*

HB 1206 **Immunizations** **Bush** **Passed Senate**
SB 924 **McCortney**
This legislation requires assisted living communities to annually post in a conspicuous location educational information regarding influenza disease. The bill provides that a facility's license cannot be affected, nor can fines be imposed, for failure to post the information. *SB 924 March 7th Passed Senate (27-19). HB 1206 February 4th Introduced – Referred to Health Services and Long-Term Care Committee. February 13th Hearing Scheduled – Health Services and Long-Term Care Committee. February 19th Reported Do Pass.*

OREGON

SB 608 **Rent Control** **Burdick** **Approved by Governor 2/28/19**
This new law makes it illegal for landlords to raise rent by more than 7 percent plus inflation each year. This is the first statewide rent control law in the country. ***This new law takes effect immediately***

SB 815 **Notices to Residents** **Gleser** **Legislation Pending**
This legislation requires memory care and assisted living communities to provide written notice to applicants for admission and to current residents at specified times regarding services, rates, staffing and eligibility or of changes to services, rates, staffing or eligibility. *February 21st Introduced – First Reading. February 22nd Referred to Health Care, then Ways and Means Committee. March 18th Hearing Scheduled – Health Care Committee.*

SB 917 **Disclosure of Information** **Gelser** **Legislation Pending**
This bill prohibits a long term care facility from interfering with the disclosure of information by an employee or volunteer concerning the treatment of a resident to a family member, guardian, friend, the Long Term Care Ombudsman, the Department of Human Services, or a law enforcement agency. *February 28th Introduced – Referred to Human Services, then Ways and Means Committee. March 26th Hearing Scheduled – Human Services Committee.*

HB 2569 **Background Checks** **Nathanson** **Legislation Pending**
This legislation directs the Department of Human Services to assign exactly one universal provider number to persons listed on the registry of persons who provide long term care. The legislation also directs the Department to require fingerprints in conducting criminal records checks of certain long term care workers. The bill disallows sharing of fingerprint records of certain long-term care workers with the Federal Bureau of Investigation. *January 14th Introduced – Referred to Human Services and Housing Committee . March 11th Hearing Scheduled – Human Services and Housing.*

HB 2600 **Disease Outbreak** **Nathanson** **Legislation Pending**
This legislation requires long term care facilities and residential care communities to adopt specified protocols and procedures regarding preventing and reporting disease outbreaks. It requires administrators and certain employees in communities to be trained in recognizing and reporting disease outbreaks. *January 14th Introduced – Referred to Speaker's Desk. January 18th – Referred to Health Care with Subsequent referral to Ways & Means Committee . January 31st Hearing Scheduled – Health Care Committee. March 14th Hearing Scheduled – Health Care Committee.*

HB 3308 **Workforce Study** **McKeown** **Legislation Pending**
This bill would require the Department of Human Services to study workforce needs for long term care facilities in 2030 and develop recommendations for steps that may be taken to ensure that the workforce needs in 2030 will be met. *March 4th Introduced. March 11th Referred to Human Services and Housing Committee.*

HB 3342 **Plant Based Meals** **Wilde** **Legislation Pending**
This bill requires long term care facility to offer plant-based meals as an option any time a meal is served. *March 4th Introduced. March 11th Referred to Human Services and Housing Committee.*

PENNSYLVANIA

HB 666 **Guardianship** **Murt** **Legislation Pending**
This legislation prohibits employees of long-term care providers from serving as guardian, agent under a power of attorney, insurance or annuity beneficiary or estate executor of individuals who receives services from that provider. *March 1st Referred to Aging and Older Adult Services Committee.*

RHODE ISLAND

HB 5141 **Alzheimer's Programs** **McNamara** **Legislation Pending**
SB 302 **Coyne**
These bills would allow those individuals who do not otherwise meet the requirements for the special care unit, to reside in an Alzheimer's special care unit or area. *SB 302 February 13th Introduced – Referred to Health and Human Services Committee. HB 5141 January 17th Introduced – Referred to Health, Education and Welfare Committee. March 13th Hearing Scheduled – House Committee on Health, Education and Welfare.*

HB 5550 **Defibrillators** **Casimiro** **Legislation Pending**
This bill would require assisted living communities to have automated external defibrillators on site. At least one person must be trained in the operation and use of the defibrillator. *February 27th Introduced – Referred to Health, Education, and Welfare Committee.*

HB 5573 **Abuse Reporting** **Bennett** **Legislation Pending**
SB 603 **Coyne**
This bill would expand the duty to report abuse in assisted living communities to physician assistants and probation officers. It would expand the contents of any report to include additional relevant information and would include certain reporting requirement in the Department of Elderly Affairs' duty to report abuse of elderly requirement. *HB 5573 February 27th Introduced – Referred to Health, Education, and Welfare Committee. March 13th Hearing Scheduled –Health, Education, and Welfare Committee. SB 603 March 14th Introduced – Referred to Senate Judiciary Committee.*

SOUTH CAROLINA

HB 3282 **Emergency Generators** **Gilliard** **Legislation Pending**
This bill requires nursing homes, community residential care facilities and assisted living communities to be equipped with emergency generators. *January 8th Introduced – Referred to Committee on Medical, Military, Public and Municipal Affairs. February 27th – Hearing Scheduled Committee on Medical, Military, Public and Municipal Affairs.*

HB 3831 **Liability Insurance** **Norrell** **Legislation Pending**
This legislation would require community residential care facilities to acquire and keep in effect comprehensive general liability insurance coverage. *January 31st Introduced – Referred to Committee on Labor, Commerce, and Industry.*

SOUTH DAKOTA

HB 1268 **Electronic Monitoring** **Mulally** **Legislation Pending**
This bill would allow a resident or resident's representative to conduct electronic monitoring of the resident's room or private living unit. Communities would be prohibited from refusing to admit, removing, retaliating, or discriminating against a resident for installing a camera. The electronic monitoring must be done at the resident's own expense. A resident must complete a consent form acknowledging that they consent to electronic monitoring. A notice to visitors must be posted at the community's entrance informing of the use electronic monitoring. *January 31st Introduced – Referred to Judiciary Committee. February 20th Hearing Scheduled – Judiciary Committee. February 11th – Judiciary Committee Deferred to the 41st legislative day.*

TEXAS

HB 117 **Inspection Procedures** **Raymond** **Legislation Pending**
This bill sets inspection procedures of long-term care communities, including assisted living communities. *February 12th Read First Time – Referred to Human Services Committee.*

HB 284 **Alzheimer's Care Disclosure** **Perez** **Legislation Pending**
This legislation would require an assisted living community to disclose whether they hold a license for the provision of personal care services to residents with Alzheimer's disease or related disorders. The community would be required to disclose this information to each resident, applicant, or any person requesting information on the community. A community would be required to post the notice in a public area of the community. *February 19th First Reading – Referred to Human Services Committee. February 26th Hearing Scheduled – Human Services Committee.*

HB 2392 **Background Checks** **Klick** **Legislation Pending**
SB 898 **Perry**
These bills would provide that an assisted living community may not employ an applicant who fails to indicate in a written statement that they have not been convicted of an offense listed in Sec. 250.006 Convictions Barring Employment of the Health and Safety Code. If an applicant for employment resided in another state during the five years preceding application, the community must conduct a criminal history check in each state in which the applicant previously resided. *SB 898 Filed February 19th. HB 2392 Filed February 25th. March 6th Referred to Health and Human Services Committee.*

HB 1360 **Communicable Diseases** **Wu** **Legislation Pending**
HB 1848 **Klick**
This legislation sets requirements for each assisted living community's infection prevention and control program, including: monitoring of key infectious agents, including multidrug-resistant organisms; procedures for communicating the presence of multidrug-resistant organisms; procedures for making rapid influenza diagnostic tests available to residents. This bill would also require that the community report to the health authority when two or more confirmed cases of influenza occur among residents within a 72-hour period. *HB 1360 February 4th Filed. February 27th Referred to Human Services Committee. HB 1848 February 14th Filed. March 5th Referred to Human Services Committee. March 12th Hearing Scheduled – Human Services. March 14th Placed on Third Reading.*

HB 1361	Immunization Tracking	Wu	Legislation Pending
HB 1423		Guerra	

These bills would require a long-term care community to maintain a system to track the immunization rates of its employees and residents. *HB 1361 February 4th Filed. February 27th Referred to Human Services Committee. HB 1423 February 6th Filed. February 27th Referred to Human Services Committee.*

HB 1878	Assisted Living Quality Study	Davis	Legislation Pending
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This bill would commission a study of not less than 30% of assisted living communities licensed under Chapter 247 Health and Safety Code, to assess the quality of care provided to and quality of life of each resident. *February 15th Filed. March 5th Referred to Human Services Committee.*

SB 1897	Assisted Living	Zaffirini	Legislation Pending
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This bill would create a bill of rights for home health care attendants at certain long term care facilities, including assisted living. The bill of rights must include a description of any federal or state labor laws applicable to home health care attendants. Each employee must be provided with a copy of the bill of rights. *March 7th Filed. March 18th Referred to Health and Human Services Committee.*

HB 1922	Emergency Power	Thierry	Legislation Pending
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The legislation would require each assisted living community to ensure the community is equipped with an emergency power source. *February 19th Filed. March 5th Referred to Human Services Committee.*

HB 2067	Immunizations	Guerra	Legislation Pending
SB 1681		Lucio	

These bills would require each assisted living community to provide to each of its residents, no later than September 1st of each year, educational information on influenza disease. Such information should include: the risks associated with influenza, the availability of immunization, causes and symptoms of influenza, and how influenza is spread. This legislation does not require an assisted living community to provide or pay for the immunization against influenza. *HB 2067 February 20th Filed. March 6th Referred to Human Services Committee. SB 1681 March 6th Filed. March 14th Referred to Health and Human Services Committee.*

HB 3329	Assisted Living	Frank	Legislation Pending
SB 1406		Buckingham	

This legislation provides that assisted living facilities may provide health maintenance activities as defined by rule by the Texas Board of Nursing. The executive commissioner of the Health and Human Services Commission will be tasked with adopting rules distinguishing and providing guidelines on the scope of services that an assisted living facility may provide. *HB 3329 March 6th Filed. SB 1406 March 1st Filed. March 14th Referred by the Secretary of the Senate. March 18th Referred to Human Services Committee.*

VIRGINIA

SB 1409	Assisted Living	Mason	Passed House & Senate
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This legislation states that no assisted living community will operate under the supervision of an acting administrator more than two times during any two-year period unless authorized to do so by the Department. This would alter the previous law that states no community should operate under an acting administrator more than one time during any two-year period. *January 30th Passed Senate (40-0). February 11th Passed House (99-0). Governor's Deadline of Midnight, March 26, 2019.*

SB 1077	Emergency Generators	Howell	Approved by Governor 2/21/19
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This new law requires any assisted living community that is equipped with an on-site emergency generator to include in its emergency preparedness and response plan a description of the emergency generator's capacity to provide enough power for the operation of lighting, ventilation, temperature control, supplied oxygen and refrigeration. The generator must be tested monthly and records of such tests maintained. Any assisted living community that is not equipped with

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an on-site emergency generator must enter into an agreement with a vendor capable of providing the community with a generator during an interruption of the normal electric power supply. There must also be a backup vendor agreement in case the primary vendor is unable to comply with its agreement. *January 30th Passed Senate (40-0). February 11th Passed House (99-0). **This new law takes effect on July 1, 2019.***

**HB 2521
SB 1410**

Assisted Living Staffing

**Rasoul
Mason**

Approved by Governor 3/8/19

This new law requires assisted living communities that care for those with dementia must maintain staffing levels during the night. The following staffing levels are required of those awake and on duty that are responsible for the care and supervision of the residents at all times during night hour: When 22 or fewer residents are present, at least two direct care staffers; When 23 to 32 residents are present at least three direct care staffers; When 33 to 40 residents are present at least four direct care staffers; When more than 40 residents are present, at least four direct care staff members plus at least one additional direct care staff member for every 10 residents or portion thereof in excess of 40 residents. *January 30th Passed Senate (40-0). February 11th Passed House (99-0). **This new law takes effect on July 1, 2019.***

SB 1719

Marijuana

Marsden

Passed House & Senate

This legislation allows for a registered agent to pick up or receive delivery of medical cannabis, specifically cannabidiol (CBD) oil and THC-A oil, for those who physically are unable to do so for themselves. The bill's language does not reference assisted living specifically, but Virginia National Organization for the Reform of Marijuana Laws (NORML) has said that the bill applies to assisted living communities. *January 29th Passed Senate (39-0). February 13th Passed House (98-0). Governor's Deadline of Midnight, March 26, 2019.*

HB 1815

Emergency Power

Hope

Passed House & Senate

This legislation requires assisted living operators to disclose in writing to prospective residents whether the community has an on-site emergency electrical power source in case the normal power supply is interrupted. *December 31st Introduced. January 21st – Passed House (97-0). February 12th – Passed Senate (40-0). Governor's Deadline of Midnight, March 26, 2019.*

**HB 2722
SB 1722**

CCRCs

**Watts
Barker**

Approved by Governor 3/8/19

This new law provides that a nursing facility in a continuing care retirement community and registered with the State Corporation Commission may be certified for participation in the Virginia Medical Assistance Program without regard to any condition on a certificate of public need, so long as not more than 25 percent of the nursing home beds located in the facility, or 15 of the facility's nursing home beds, whichever is fewer, are occupied by individuals receiving benefits at any given time. Currently, such nursing homes may be certified for participation in the Virginia Medical Assistance Program without regard to any condition on a certificate of public need, so long as not more than 10 percent of the nursing home beds located in the facility are occupied by individuals receiving benefits. *January 30th Passed Senate (40-0). February 11th Passed House (99-0). **This new law takes effect on July 1, 2019.***

WASHINGTON

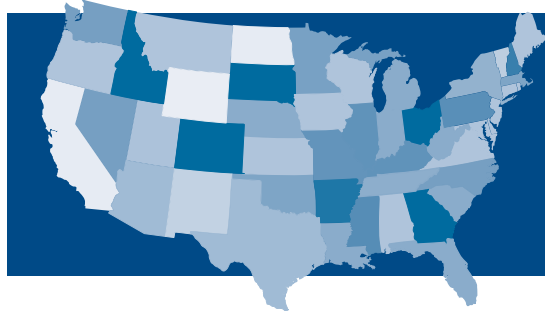
**HB 1087
SB 5331**

Long-term Care Benefit

**Jenkins
Palumbo**

Passed House

This legislation creates a long-term care insurance benefit of an established dollar amount per day for three hundred sixty-five days each year for all eligible Washington employees, paid through an employee payroll premium. *HB 1087 Passed House on February 21st (63-33). SB 5331 January 17th First Reading – Referred to Health and Long Term Care. January 23rd Hearing Scheduled – Health and Long Term Care. January 31st Referred to Ways & Means. February 13th Hearing Scheduled – Ways & Means. March 15th Hearing Scheduled – Senate Health and Long Term Care Committee. March 20th Hearing Scheduled – Health and Long Term Care Committee.*



**HB 1296
SB 5796**

CCRCs

**Macri
Dhingra**

Passed House

This legislation sets requirements for an applicant for registration of a continuing care retirement community. First, the CCRC must submit a copy of the service or care agreement used for non-independent residents that the CCRC intends to use for the certification period. Second, a CCRC must submit a copy of management fees or other compensation paid by the CCRC to a management company or related party that controlled the CCRC during the CCRC's two preceding fiscal years. Thirdly, a CCRC would have to submit an actuarial summary of the CCRC's most recent actuarial report. It also requires the CCRC to notify residents that copies of financial statements and actuarial evaluations are available to the residents. *March 8th Passed House (55-41). March 12th Referred to Senate Health and Long Term Care Committee.*

**HB 1565
SB 5568**

Background Checks

**Robinson
Wilson**

Passed House

These bills allow for assisted living communities to share completed background checks on staff who change employment. The Department of Social and Health Services may maintain a background check database and long-term care communities may satisfy background check requirements by using this database. HB 1565 March 4th Passed House (96-0). SB 5568 January 24th Introduced – Referred to Human Services, Reentry & Rehabilitation Committee. February 14th Passed Rules Committee for Second Reading. March 14th Hearing in Senate Human Services Committee. March 21st Hearing Scheduled – Senate Human Services Committee.

WEST VIRGINIA

SB 575

Medical Review Panel

Takubo

Legislation Pending

This bill allows for a long-term care provider, including assisted living, to request that a medical review panel review claims of injury against the provider. *February 12th Introduced – Referred to Judiciary Committee.*

HB 2186

Arbitration Agreements

Foster

Legislation Pending

This legislation authorizes a medical power of attorney representative to sign a binding arbitration agreement with an assisted living community. *January 9th Introduced – Referred to Judiciary Committee.*

Note: The status of the bills, as noted above, reflect to the best of our knowledge all pending or enacted legislation related to assisted living, Life Plan Communities (or CCRCs), and seniors housing throughout the U.S. These summaries are intended to provide an overview of the legislation and may not cover all relevant aspects. As ASHA pursues a heightened focus on state level activity, we would encourage you to notify us of any significant legislative or regulatory developments in states in which you own or operate. Please feel free to contact Sheff Richey at (202) 885.5563 or srichey@seniorshousing.org.

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