

STATE POLICY UPDATE



American
Seniors
Housing
Association

September 26, 2008

ALABAMA

SB 187 (AL Administrators) Dixon
This bill provides for the continuance of the Board of Examiners of Assisted Living Administrators until October 1, 2009. **Signed into law by Governor on April 10.**

CALIFORNIA

SB 489 (CCRC Closure) Steinberg
This bill would impose requirements on continuing care retirement communities (CCRCs) in the event of their closure. Passed House on August 25; passed Senate on August 29; sent to Governor on September 17.

HB 2598 (Rent Control) Leno
This legislation would have allowed city or county government to impose rent controls upon residential care facilities for the elderly (RCFEs). Amended bill passed Committee on Human Services on May 6; but was not be voted upon by the Assembly due to a lack of support.

HB 2947 (Arbitration Agreements) Eng
This bill would prohibit RCFEs from requiring that resident contracts include arbitration as a condition of admission or continued care; the legislation would also create a presumption of duress for any arbitration provision in an admission contract signed prior to or on the day of admission. Passed Senate on August 25; passed House on August 29; sent to Governor on September 18.

HB 2370 (Rate Increases) Bass
This legislation would require the disclosure of information on history of rate increases in RCFEs. Passed House on May 19; passed Senate on August 11; sent to Governor on September 17.

COLORADO

HB 1038 (AL Licensure Fees) Riesberg
This bill repeals the license fees for assisted living residences set in statute, and requires the state Board of Health to establish a replacement schedule that will cover the direct and indirect costs of administration and enforcement of assisted living residences. **Signed into law by Governor on April 25.**

CONNECTICUT

SB 665 (CCRC Resident Contracts)
This bill relates to CCRC resident contracts. **Signed into law by Governor on May 7.**

IOWA

HB 2609 (Public Information) Smith
This legislation makes public, findings related to assisted living facilities and elder group homes monitoring evaluation or complaint investigation after informal review by the Department of Inspections and Appeals (such information is available to the public currently only after all administrative appeals procedures are complete). **Signed into law by Governor on April 8.**

ILLINOIS

HB 5275 (AL Advisory Board) Coulson
This bill would amend provisions within the Assisted Living and Shared Housing Act related to the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board. Introduced on February 14; referred to Rules Committee.

SB 2692 (Assisted Living) Jones
This bill would make a technical change in the Assisted Living and Shared Housing Act related to legislative purpose. Introduced on February 15; referred to Rules Committee.

SB 2830 (Assisted Living) Maloney
This legislation would amend the Assisted Living and Shared Housing Act and would require licensed long-term care facilities, assisted living or shared housing establishments, and supportive living facilities to complete and file with the state Long Term Care Ombudsman a Consumer Choice Information Report on a form developed by the Ombudsman in collaboration with the Attorney General. Passed Senate on April 8; to House Rules Committee.

HB 4264 (AL Licensing) Aging Committee
This legislation includes provisions related to assisted living and shared housing establishments granted two-year licenses. Passed House on April 15; to Senate Rules Committee.

HB 4179 (Senior Exemptions)
This bill would amend the property tax code to reduce the tax burden for persons aged 65 years and older in cooperatives or life care facilities. Passed House on April 1; passed Senate on May 31.



LOUISIANA

SB 810 (Alzheimer's Training Requirements) Mount
This bill, a substitute for Senate Bill 694, provides for Alzheimer's training requirements for certain employees of adult residential care homes (assisted living) and long-term care facilities. **Signed into law by Governor on June 30.**

MARYLAND

HB 807 (LTC Facilities Finance) James
This bill creates a task force to study a variety of issues related to long-term care facility financial matters. Among other things, the task force would examine disclosure of ownership; expanding the definition of controlling interest; and developing triggers under which long-term care facilities must disclose impending financial difficulty. **Signed into law by Governor on May 22.**

HB 1351 (CCRCs) Love
This legislation concerns CCRC resident complaints and investigations. **Signed into law by Governor on May 22.**

NEW JERSEY

HB 1239 (Security Deposits)
This legislation provides that assisted living resident's security deposit is refundable if the resident leaves the residence. Introduced on September 15 and reported favorably by the Assembly Health and Senior Services Committee.

HB 3066 (AL Medicaid) Conaway
SB 2066 Van Drew
This bill would require all assisted living facilities set aside at least 10 percent of beds for Medicaid-eligible persons and accept at least five percent Medicaid direct admission. Introduced in House and Senate on June 23.

HB 2043 (Homestead Property Tax Reimbursement) Van Pelt
This bill revises criteria for eligibility to receive homestead property tax reimbursement; includes CCRC within definition of "homestead." Introduced on February 7 and referred to Assembly Appropriations.

HB 2064 (CCRCs: Veterans Property Tax Deduction) McKeon
SB 1792 Beck
HCR 177/SCR102
This bill would extend the eligibility for veterans' property tax deduction to CCRC residents. Introduced in House on February 7 and referred to Assembly Military and Veterans Affairs Committee; introduced on May 8 in Senate and referred to Communities and Urban Affairs Committee.

SB 221 (Medicaid Eligibility) Singer
HB 2334
This legislation would require nursing homes and assisted living residences to provide an informational sheet concerning Medicaid eligibility to certain residents. Passed the Senate on March 17; referred to Assembly Health and Senior Services Committee.

HB 2154 (Emergency Power Generators) Rooney
This legislation requires assisted living residences to have standby emergency power generators. Introduced on February 25; referred to Assembly Health and Senior Services Committee.

HB 2309 (Defibrillators) Diegnan
This legislation requires assisted living facilities to have a defibrillator on site and employees trained to use the defibrillator. Introduced on February 26; referred to Assembly Health and Seniors Services Committee.

NEW YORK

SB 8670 (Seniors Housing Task Force) Saland
HB 10474
This legislation creates a task force to conduct a state-wide assessment of seniors housing needs. **Vetoed by Governor on September 4.**

SB 8674 (Assisted Living) Committee on Rules
This bill relates to real property capital construction costs and rates of payment for certain assisted living corporations. **Vetoed by Governor on September 4.**

HB 10680 (Disaster Preparedness) Destito
This legislation would require the state Director of Homeland Security to assist nursing homes and assisted living facilities with disaster preparedness plans. Passed House on June 23; passed Senate on June 24; delivered to Governor on September 15.

SB 8034 (Defibrillators) Flanagan
HB 11335 Englebright
This bill would require all licensed assisted living facilities to have at least one automated external defibrillator on premises. Introduced in the Senate on April 28 and referred to the Committee on Aging; introduced on May 27 in the House and referred to the Committee on Health.

SB 8118 (CCRC contracts) Golden
HB 11011
This legislation would allow certain CCRCs to be exempt from requirements that residents sign a separate contract for assisted living residence licensure. Introduced in Senate on April 29 and referred to the Committee on Health; introduced on May 13 in House and referred to Assembly Health Committee.

SB 8120 (CCRCs) Golden
HB 11010
This legislation would allow life care CCRCs to enter into fee-for-service contracts. Introduced in Senate on April 29 and referred to the Committee on Health; Introduced on May 13 in House and referred to Committee on Assembly Health.

HB 9632 (Background Checks) Reilich
The bill would amend the social services law and public health law in relation to criminal history records of maintenance employees in adult residential health and assisted living facilities. Introduced on January 9, and referred to Assembly Health Committee.

NEW YORK (cont'd)

HB 9940 (AL Medical Assistance Payments) Dinowitz
This legislation would establish requirements in order for assisted living residences to receive medical assistance payments. Introduced on February 6 and referred to the Committee on Social Services.

HB 11103 (AL Rate Increases) Rosenthal
SB 8263
This legislation would require 45-day notice of assisted living facility rate increases and would require an explanation of the rate increase. If an assisted living facility increases rates by more than 10 percent, 90 days notice must be provided. The legislation would also require assisted living facilities to establish a process for residents to oppose the rate increase based on financial hardship, including provisions for information and possible residential alternatives for those residents. Passed House on June 24; referred to Senate Rules Committee.

HB 11104 (AL Rate Increases) Rosenthal
SB 8265
This legislation would require assisted living residences to disclose to current residents average monthly rate increases for each of the previous three years; rate increase information would also be published on the internet. Passed House on June 24; referred to Senate Rules Committee.

OKLAHOMA

HB 2539 (Service Delivery) Joyner
This bill relates to the provision of home care, nursing, hospice and private services delivered to residents in an assisted living center; directing that plan of accommodation be in accordance with certain codes, rules, and requirements. **Signed into law by Governor on April 14.**

SB 2047 (AL Building Codes) Nichols
This legislation modifies state building code requirements for assisted living centers. **Signed into law by Governor on April 11.**

PENNSYLVANIA

HB 2161 (Relocation Requirements) Boback
This bill would require certain long-term care facilities, including assisted living residences, to coordinate with licensing agencies and local area agencies on aging to provide assistance to consumers in circumstances involving relocation of consumers. Passed House on May 12; referred to Senate Aging and Youth Committee on May 20.

HB 2516 (NORCs) Keller
This bill would provide funding to the state Department of Aging to administer, distribute and fund grants for naturally occurring retirement communities. Introduced on May 12 and referred to the Committee on Aging and Older Adult Services.

SB 1289 (NORCs) Stack
This legislation would formally recognize naturally occurring retirement communities (NORCs) and would provide for powers and duties for the state Department on Aging related to NORCs. Introduced on February 20 and referred to Committee on Aging and Youth.

HB 154 (Provider/Surveyor Training) Dermody
This legislation provides for joint training and continuing education of nursing care and assisted living providers and surveyors. Introduced September 12 and referred to the Committee on Health and Human Services.

SOUTH CAROLINA

HB 4750 (CCRCs)
This bill relates to disciplinary procedures for those who manage CCRCs. **Signed into law by Governor on May 27.**

HJR 5231
This joint resolution is to approve regulations of the Department of Consumer Affairs relating to licensing standards for CCRCs. May 28, 2008.

TENNESSEE

HB 2729 (Hospice in AL) Favors
SB 2614 Black
This legislation permits a resident of an assisted living residence to receive hospice services and remain a resident of the community. **Signed into law by Governor on April 21.**

VIRGINIA

HB 819 (CON Requirements) Albo
This bill modifies the state certificate of need requirements for certain settings, including some continuing care retirement communities. **Signed into law by Governor on April 23.**

WASHINGTON

SB 6807 (Resident Discharge) Kastama
This legislation would restrict boarding homes' ability to discharge/transfer Medicaid residents by voluntarily withdrawing from the state's Medicaid program. **Signed into law by Governor on March 28;** note that the Governor vetoed a section of the bill that would have required providers to disclose in writing to potential residents prior to admission the facility policy on accepting Medicaid as a payment source.

Seniors Housing State Policy Update offers summaries of selected legislative proposals. These summaries may not reflect a bill in its entirety. For further information, please contact David Schless at (202) 885-5560 or dschless@seniorshousing.org