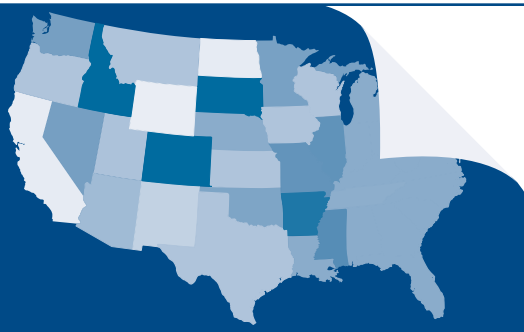


STATE POLICY UPDATE



AMERICAN SENIORS HOUSING ASSOCIATION
Living Longer Better

July 30, 2020

ARIZONA

SB 1210

Caregiver Training

Pace

Approved by Governor 5/26/20

This new law sets the following requirements for certification as an assisted living community caregiver: 1.) 62 hours of on-the-job training under the direct supervision of a physician, registered nurse, pharmacist, physician assistant, or certified assisted living community manager with at least five years of experience. Only 31 hours of on-the-job training may come from the direct supervision of a certified assisted living community manager. 2.) Must pass the board-required examination with a score of at least 75 percent. ***This new law takes effect on August 25, 2020.***

CALIFORNIA

November 2020 Ballot Measure Amendment to Proposition 13

On October 15, 2018, the California Schools and Local Communities Funding Act qualified for the November 2020 ballot to amend Proposition 13 of the Constitution of California. The requirement of 585,407 signatures to qualify for the ballot was surpassed with a total of 856,648 signatures. This ballot initiative would amend the state constitution to require all commercial and industrial properties to be assessed at fair market value. This is known as split roll property tax. Proposition 13 (1978) requires the taxable value of residential, commercial, and industrial properties to be based on 1 percent of the property's purchase price, with an annual adjustment equal to the rate of inflation or 2 percent, whichever is lower. The proposed Act aims to raise \$11 billion every year with half of the sum going towards California's K-12 schools and community colleges and half going to its counties and cities. The Schools and Communities First coalition backing the Act is comprised of 300 community organizations, labor unions, philanthropic foundations, and elected officials.

If the ballot measure is to pass the California legislature is directed to act by creating legislation to enforce the measure. The language below in the proposed amendment attempts to address properties that are zoned commercially but used as residential property:

(4)(A) "Residential property" shall include property used or zoned as residential property, including both single-family and multiunit structures, and the land on which those structures are constructed or placed. (B) The Legislature shall provide by statute that any property zoned as commercial or industrial but used as long-term residential property shall be classified as residential for purposes of paragraph (2) subdivision (a). For mixed-use real property, the Legislature shall ensure only that portion of the property that is used for commercial and industrial purposes shall be subject to reassessment as required by paragraph (1) of subdivision (a).

This language does not define "long term residential property" raising concerns that properties that are zoned commercially but used for residential purposes (such as assisted living) might be deemed commercial structures by tax assessors.

A business community coalition called Californians To Stop Higher Property Taxes has formed to fight the spit roll property tax. Their goal is to raise \$100M to run an opposition campaign to defeat the initiative and educate voters.

Master Plan for Aging Stakeholder Advisory Committee

In August 2019, the California Health and Human Services (CHHS) Agency established a Master Plan for Aging Stakeholder Advisory Committee to develop and issue a Master Plan by October 1, 2020. The plan will address best practices and data metrics while being a guide for the work of state government, local communities, private organizations, and philanthropy to build environments that promote an age friendly California.

AB 1777 **Land Use Permits** **Levine** **Legislation Pending**
This bill would require a Residential Care Facility for the Elderly (RCFE) applying for a land use permit to report licensing violations received from the State Department of Social Services that meet certain criteria. If a violation is disclosed, then it would require the local jurisdiction to hold a public hearing to determine whether or not the permitting process should continue. *February 3rd Filed with the Chief Clerk.*

AB 1855 **Emergency Plans** **Frazier** **Legislation Pending**
This bill would require, by July 1, 2022, the Department of Social Services, the Office of Emergency Services, and the Department of Technology, in partnership with the private sector, to develop and implement a secure online emergency management database with an emergency disaster technology tool to be maintained by the department and accessible by emergency response personnel, and would require licensed residential care facilities for the elderly to upload their emergency and disaster plans to the database by July 1, 2023. Because a willful violation of the bill's requirements relative to residential care facilities for the elderly would be a crime, the bill would impose a state-mandated local program. *January 7th First Reading. January 30th Referred to Committee on Human Services. March 24th Hearing Scheduled – Human Services Committee.*

AB 1962 **Sales and Use Taxes** **Voepel** **Legislation Pending**
This bill, on and after January 1, 2021, and before January 1, 2026, would exempt from these taxes the gross receipts from the sale of, and the storage, use, or other consumption in this state of, building materials and supplies purchases by a qualified person for use by that qualified person in the construction of specified senior housing developments. The bill refers to the development of housing available to low-income seniors by providing a tax exemption for the purchase of building materials and supplies used to construct that housing. *January 21st First Reading. January 30th Referred to Committee on Revenue and Taxation. March 9th Hearing Scheduled – Committee on Revenue and Taxation.*

AB 2503 **Roommates** **Rubio** **Legislation Pending**
This bill would permit a resident to share their dwelling unit with a qualified roommate, pursuant to a lease or other written agreement with the qualified roommate. This bill would also authorize a qualified roommate to be entitled to continue their occupancy, residency, or use of a dwelling unit upon the death, dissolution of marriage, hospitalization, or other prolonged absence of the qualifying resident, if that qualified roommate is 55 years of age or older. *February 19th First Reading. March 12th Referred to Committee on Housing and Community Development.*

AB 2926 **Referral Agencies** **Calderon** **Passed House**
This bill would recast the requirements on a placement agency and its employees to instead be requirements on a referral source, defined to mean a person or entity that provides a referral to a residential care facility for the elderly. The bill would prohibit a referral source from, among other things, holding any power of attorney for a potential resident or referring a person to a residential care facility for the elderly in which the referral source has an ownership interest or a common employee in an executive management position. The bill would require a referral source to provide a senior or their representative with specific written, electronic, or verbal disclosures, before or simultaneous with a compensated referral, that include, among others, the referral source's privacy policy and a statement that the senior or representative may request in writing that the referral source cease contact with the senior. The bill would additionally require a referral source to use a nationally accredited service provider to perform background checks on referral sources who have direct contact with seniors or their representatives, maintain liability insurance, accept remuneration only from residential care facilities for the elderly with which the referral source has a written contract, and engage in annual independent audits of its financial statements. The bill would further require a referral source to post specific information on its internet website or marketing materials, including, among other information, a dedicated toll-free telephone number and

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email address for privacy inquiries. The bill would impose criminal penalties and civil penalties to be enforced by the Attorney General or a district attorney for a violation of these provisions, as specified. By expanding the existing crime under the act and specifying new criminal penalties, this bill would impose a state-mandated local program. *June 8th Passed House (77-0). June 9th in Senate; Read first time – referred to Committee on Rules. June 23rd Referred to Committee on Human Services. July 1st Amend and re-referred; Read second time.*

AB 3313 **Mandatory Training** **Bonta** **Legislation Pending**
This bill would require education and training on federal, state, and local jurisdiction employment laws for certain individuals who work in facilities licensed under the California Community Care Facilities Act, including, among others, a facility manager and staff in residential care facilities. The bill would require the training to be consistent with information in the Division of Labor Standards Enforcement Policies and Interpretations Manual governing residential facilities. *February 21st Introduced. February 24th First Reading.*

COLORADO

HB 1101 **Referral Agencies** **Wilson** **Approved by Governor 3/31/20**
This new law requires an agreement between an assisted living residence referral agency and a prospective resident. The agreement must include the right of the prospective resident or representative of the prospective resident to terminate the referral agency's services for any reason at any time. The referral agency must communicate the cancellation of the agreement to all assisted living residences to which the prospective resident has been referred. This bill would prohibit an assisted living residence from paying a referral fee to a referral agency if the agreement between the referral agency and the prospective resident has been terminated. It also prohibits selling a prospective resident's or their representative's contact information without consent. ***This new law takes effect August 5, 2020.***

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. *February 19th Public Hearing Scheduled.*

B 750 **Coronavirus Omnibus** **Mendelson** **Approved by Council 5/22/20**
This legislation requires assisted living communities to report daily to the Department of Health both the number of novel 2019 coronavirus positive cases and number of related deaths for both employees and residents during the declared public health emergency. The bill also requires housing accommodations, including assisted living, to clean common area on a regular basis, including doors, railings, seating, and mailboxes. ***May 22nd Published in DC Register; Expires August 11, 2020.***

FLORIDA

HB 767 **Assisted Living** **Grant** **Approved by Governor 6/20/20**
SB 402 **Harrell**
This new law allows residents of assisted living and memory care to use assistive devices – such as wearables, transfer aids, shoe inserts, telehealth technologies and arthritis supports – to help them be more mobile and independent. The law requires communities to begin an investigation within 24 hours of the potential adverse incident and provide a report on the investigation to the Agency for Health Care Administration within 15 business days. The bill also removes the requirement that staff read the medication label in the presence of the resident when assisting with medication management. It defines assistance with self-administration of medication as in the presence of the resident, confirming ***continued on next page***

that the medication is intended for that resident, orally advising the resident of the medication name and purpose, opening the container, removing a prescribed amount of medication from the container, and closing the container. This law also clarifies that an assisted living community licensed to provide extended congregate care services or limited nursing services must maintain a written progress report on each person receiving services from the community's staff. It also prohibits a county or municipality from issuing a business tax receipt, rather than an occupational license, to a community under certain circumstances. **March 9th Passed House (119-0). March 10th Passed Senate (39-0). This new law takes effect on July 1, 2020.**

GEORGIA

HB 987

AL & MC Staffing/Training

Cooper

Approved by Governor 6/30/20

This new law sets staffing ratios and training requirements for assisted living and memory care communities. **Staffing Ratios:** Assisted living communities are required to have 1 on-site staff for every 15 residents during all waking hours and 1 staff for every 20 residents during all non-waking hours; practical nurse on-site a minimum of 40 hours a week for communities with more than 90 residents (8 hours for 30 or less residents, 16 hours for 31-60 residents, 24 hours for 61-90 residents). Memory care communities are required to have 1 dementia trained direct care staff person for every 12 residents at all times; 1 registered professional nurse, licensed practical nurse, or certified medication aide on-site at all times; 2 direct care staff on-site at all times; 1 registered professional nurse or licensed practical nurse on-site a minimum of 40 hours per week for communities with 40 or more residents (8 hours for 12 or less residents, 16 hours for 13-30 residents, 24 hours for 31-40 residents). The bill sets the following **training requirements** for memory care staff: at least 4 hours of dementia-specific orientation; initial orientation training prior to caring for residents (how to update service plans, skills for recognizing physical or cognitive changes, residents' rights and abuse reporting, infection control principles, emergency preparedness training, first aid, CPR); a minimum of 16 hours of specialized training in dementia care prior to working independently with residents and 8 hours annually thereafter. The law also sets **financial reporting requirements**. An assisted living community applying for licensure must provide a financial stability affidavit from a certified public accountant affirming the applicant's ability to operate as a going concern for the next two years. A community must provide a minimum of 60 days written notice to the department and all residents of any impending bankruptcy. A community must provide a minimum of 14 days written notice to the department and all residents of any impending change of ownership. The bill also creates the **State Board of Long-Term Care Facility Administrators**. No person shall serve as an assisted living community administrator until first obtaining a license from the board; provided that they have 60 days from the date of hire to obtain such licensure. **Coronavirus:** Requirements for communities to publicly report residents or staff that test positive for coronavirus. Communities must keep seven days-worth of PPE supplies and test every resident and staff member within 90 days of enactment of the legislation. Communities must inform residents and their families within one day of a confirmed COVID-19 test and provide weekly updates. **This new law takes effect immediately.**

ILLINOIS

Executive Order 2020-35

Issued 5/1/20

This executive order suspends provisions in the Assisted Living and Shared Housing Act including IDPH annual on-site review. **This executive order takes effect immediately and remains in effect during the duration of Gubernatorial Disaster Proclamations.**

SB 2316

Financial Exploitation

Tracy

Legislation Pending

This bill enhances the penalties for theft and theft by deception if the victim of the offense was committed in an assisted living community. It provides that theft, theft by deception, and financial exploitation of an elderly person or a person with a disability is a Class X felony if the value of the property stolen or illegally obtained exceeds \$100,000 (rather than \$1,000,000). *January 8th First Reading; Referred to Assignments. February 27th Assigned to Criminal Law Committee. March 4th Sent to Subcommittee on CLEAR Compliance. June 24th Referred to Assignments.*

SB 2971**AL Employee Gifts****Bertino-Tarrant****Legislation Pending**

This legislation amends the Assisted Living and Shared Housing Act and the Nursing Home Care Act. Directs assisted living establishments and facilities licensed under the Nursing Home Care Act to institute written policies and procedures regarding the acceptance of personal gifts from a resident or the family member of a resident. Requires assisted living establishments and facilities to include in all employment contracts a provision that prohibits acceptance of a monetary gift from a resident or the family member of a resident, which shall also notify the employee of the need to enter into a repayment agreement to recoup the value of any gift accepted by staff from a resident or the family member of a resident that is not returned promptly. Provides that if the employee agrees to and signs the repayment agreement, the assisted living establishment or facility shall be permitted to withhold up to 15% of the employee's wages per paycheck, or a higher amount from the employee's final compensation, until the employee has paid back the full value of the monetary gift. *February 4th Referred to Assignments; First Reading. February 11th Assigned to Judiciary Committee. May 15th Third Reading Deadline establish as May 31, 2020.*

HB 4331**Electronic Monitoring****Cabello****Legislation Pending**

This legislation amends the Authorized Electronic Monitoring in Long-Term Care Facilities Act to include assisted living establishments licensed under the Assisted living and Shared Housing Act. *January 28th Filed. January 29th Referred to Rules Committee; First Reading.*

MARYLAND**SB 166****Prescriptions****Kelley****Approved by Governor 5/8/20**

This legislation allows certain controlled dangerous substance prescriptions to be dispensed on an electronic, oral, or written prescription to residents of assisted living communities. ***March 11th Passed Senate (47-0). March 16th Passed House (132-0). May 8th Enacted Under Article II, Section 17(c) of Maryland Constitution.***

MASSACHUSETTS**SB 2731****COVID-19 Protocols and Reporting****Montigny****Legislation Pending**

This legislation would require assisted living communities to provide COVID-19 diagnostic testing for all personnel and residents, regardless of whether they are symptomatic, at least twice a week; provide a written policy to the executive Office of Elder Affairs outlining measures implemented to ensure all personnel undergo appropriate screening prior to the start of each shift; report all positive results to the executive office of elder affairs, department of public health, and the local health department in the jurisdiction of the facility within 12 hours of receipt; and provide weekly reports to the department of all inventory of personal protective equipment, including type, quantity, and lot number. Each long-term care facility not in compliance with this section shall be subject to a penalty of no less than \$2,000 per violation per day, and each subsequent violation shall be subject to a penalty no less than \$10,000 per violation per day. *May 18th Introduced; Referred to Committee on Rules. May 26th Referred to Committee on Elder Affairs. June 11th Hearing Scheduled. July 2nd Reporting date extended to August 15, 2020.*

SB 2774**Expanded AL Services****Joint Committee on Elder Affairs****Legislation Pending****HB 625****Pignatelli****SB 365****Jehlen**

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

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of basic health services. *HB 625 January 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. SB 365 January 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. February 13, 2020 Senate Concurred. SB 2774 June 22nd Reported Favorably by Committee and Referred to Committee on Health Care Financing.*

SB 374 **Abuse Reporting** **O’Connor** **Legislation Pending**
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. *February 3rd Accompanied a study order.*

SB 378 **CCRCs** **Rush** **Legislation Pending**
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. *February 3rd Accompanied a study order.*

HB 595 **Dispute Resolution** **Arciero** **Legislation Pending**
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 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs.*

HB 604 **Assisted Living** **Cronin** **Legislation Pending**
SB 1214 **Chandler**
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 22, 2019 Introduced – Referred to Public Health Committee. October 29, 2019 Hearing Scheduled – Joint Committee on Public Health. February 20, 2020 Accompanied a Study Order. HB 604 January 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs.*

HB 617 **CCRC Entrance Fees** **Khan** **Legislation Pending**
SB 368 **Lovely**
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 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. March 23, 2020 Reporting Date extended to May 1, 2020. June 22nd Reporting Date extended to December 31st. June 26th Reported Ought NOT Pass. HB 617 January 22, 2019 Introduced – Referred to Committee on Elder Affairs. May 7, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. December 16, 2019 Referred to Committee on Health Care Financing. March 26, 2020 Senate Concurred. April 30, 2020 Reporting date extended to Friday June 19, 2020.*

HB 619 **Affordable Assisted Living** **Mariano** **Legislation Pending**
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 22, 2019 Introduced – Referred to Committee on Elder Affairs. September 17, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. October 30, 2019 Reported Favorably by Committee and Referred to the Committee on Health Care Financing. March 23, 2020 Reporting date extended to May 1, 2020. March 26, 2020 Senate Concurred. April 30, 2020 Reporting date extended to Friday June 19, 2020. June 22nd Reporting date extended to December 31, 2020.*

HB 620 **AL Abuse Registry** **Nguyen** **Legislation Pending**
SB 359 **Jehlen**

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 22, 2019 Introduced – Referred to Committee on Elder Affairs. SB 359 January 22, 2019 Introduced – Referred to Committee on Elder Affairs. October 29, 2019 – Hearing Scheduled – Joint Committee on Elder Affairs. December 16, 2019 Referred to Committee on Health Care Financing. March 23, 2020 Reporting Date extended to May 1, 2020. March 26, 2020 Senate Concurred. April 30, 2020 Reporting date extended to Friday June 19, 2020. June 22nd Reporting date extended to December 31, 2020.*

HB 627 **Defibrillators** **Rogers** **Legislation Pending**
SB 370 **Montigny**

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. *SB 370 February 3, 2020 Accompanied a study order.*

HB 1841 **Memory Care Oversight** **Ayers** **Legislation Pending**

This bill would 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 communities in the Commonwealth from the Department of Elder Affairs. *January 22, 2019 Introduced – Referred to Committee on Public Health. July 16, 2019 Hearing Scheduled – Joint Committee on Public Health. February 24, 2020 Accompanied a Study Order.*

SB 2414 **Emergency Lighting** **Eldridge** **Legislation Pending**

This bill requires all senior housing facilities financed or subsidized by state or federal housing programs to provide an emergency lighting system for residents' rooms to supply emergency lighting for a period of at least one- and one-half hours. The emergency lighting unit may be hard-wired or plug in. The building's managing authority shall maintain the emergency lighting unit in proper working order and shall inspect it at least annually. *March 12th Bill reported favorably by committee and referred to Senate Ways and Means Committee.*

SB 2640 **Liability Protection** **Joint Committee on Ways & Means** **Approved by Governor 4/17/20**

This new law provides liability protection for health care workers and facilities, including assisted living, during the COVID-19 pandemic. ***This new law takes effect immediately.***

SB 2670 **AL Resident Rights** **Joint Committee on Elder Affairs** **Legislation Pending**

This bill would make it an unfair or deceptive act or practice to require a resident or a prospective resident, his/her legal representative or next of kin, as a condition of admission, expedited admission, or continued stay in an assisted living residence at any time after admission, to waive any benefit or right conferred by any statute or regulation intended to provide protection to or for residents of any residence or to agree to waive or limit the residence's liability for loss of personal property or any injury suffered as a result of negligence on the part of the administrator or of the residence's employees or agents. *April 30th Reported Favorably by Committee on Elder Affairs and Referred to Committee on Ways and Means.*

HB 4063 **Assisted Living** **Honan** **Legislation Pending**

This bill would change the classification of assisted living residences so as not to be subject to provisions of commercial landlords or residential tenancies within landlord tenant law. *April 23, 2019 Referred to Committee on Rules. May 15, 2019 Referred to Committee on Elder Affairs. October 29, 2019 Hearing Scheduled – Joint Committee on Elder Affairs. February 13, 2020 Senate Concurred.*

HB 4663 **COVID-19 Reporting** **Joint Committee on Elder Affairs** **Passed House**
This bill requires each assisted living residence, elderly housing facility and long-term care facility to report daily to the Massachusetts Department of Public Health and to residents' families, guardians and legally authorized representatives (as per state law) the number of known COVID-19 positive cases and mortalities among its own residents and staff. *HB 4667 April 21st Passed House; Substituted with HB 4663.*

HB 4739 **COVID-19 Essential Workers** **Gordon** **Legislation Pending**
This legislation would require that any essential worker, including assisted living employees that have COVID-19 symptoms or tests positive and has to quarantine, resulting in a period of hospitalization, or requires self-quarantine measures as a result of being infected or coming into contact with someone who is infected with the COVID-19 virus have their medical condition or incapacity to work presumed to be work-related and constitute a per se qualification for protection under this Section, without application of any waiting period. Said essential worker will not be required to use said essential worker's accrued sick time, vacation time, personal time or any other contractual time-off to cover said period of incapacitation or inability to perform regular duty work. *May 14th Referred to Rules Committee. June 1st Hearing Scheduled. June 22nd Reporting date extended to August 20, 2020.*

MINNESOTA

HF 84 B **AL Oversight** **Klevorn** **Legislation Pending**
SF 36 B **Dibble**

These bills seek to further assisted oversight by adding on to the legislation that passed at the end of 2019. They would require assisted living communities to develop plans for response to respiratory viruses, modify electronic monitoring requirements, create a statewide task force, and establish private cause of action that would allow civil lawsuits. The bills also address staffing levels and seek to apply requirements to independent senior living settings in the same building/campus as assisted living. *SF 36 B July 13th Introduced; First Reading; Referred to Rules and Administration Committee. HF 84 B July 14th Introduced; First Reading; Referred to Long-Term Care Division.*

MISSISSIPPI

SB 3049 **Liability Protection** **Doty** **Approved by Governor 7/8/20**
This new law provides liability protection to any facility in which health care services are provided, including, but not limited to, any licensed or state-approved facility such as assisted living. ***This new law takes effect and will be in force from and after March 14, 2020 and expire one (1) year after the end of the COVID-19 state of emergency.***

MISSOURI

SB 708 **Certificate of Need Repeal** **Eigel** **Legislation Pending**
This bill would repeal the law requiring an assisted living community with more than 50 beds to maintain at least a thirty percent occupancy level in a calendar year to remain licensed for more than 50 beds. *January 8th First Reading. January 30th Second Reading; Referred to Health and Pensions Committee. March 11th Hearing Scheduled – Health and Pensions Committee.*

SB 898 **Occupancy Rates** **Cunningham** **Legislation Pending**
This bill would change the current law that requires maintenance of a 90% average occupancy rate for the previous six quarters when determining whether a long-term care facility, including assisted living communities, may increase its licensed bed capacity to 85% average occupancy rate. Under current law, long-term care facilities may transfer or sell individual licensed beds to qualifying facilities. The selling facility shall not expand its licensed bed capacity in that licensure category for 5 years. Under this act, the licensed bed transferred or sold to qualifying facilities shall be "licensed and available". Additionally, the selling facility may not expand its bed capacity either for 5 years or until the average occupancy of licensed and available beds in that licensure category within a 15-mile radius is 85% for the previous six

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quarters. Any facility that transfers or sells licensed and available beds shall have an average occupancy rate of less than 70% for the previous six quarters. *January 16th First Reading. February 27th Second Reading; Referred to Health and Pensions Committee.*

HB 1382 **Suicide Prevention** **Washington** **Legislation Pending**
This bill requires long-term care facilities to have on staff one person trained in suicide assessment, treatment, and management. *January 8th First Reading. January 9th Second Reading. May 15th Referred to Special Committee on Aging.*

HB 1387 **Electronic Monitoring** **Murphy** **Approved by Governor 7/14/20**
This new law allows 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. ***Passed House (147-7). This new law takes effect on August 28, 2020.***

NEBRASKA

LB 597 **Incident Reporting** **Walz** **Legislation Pending**
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 8th carried over.*

NEW HAMPSHIRE

SB 255 **Dementia Training** **Feltes** **Approved by Governor 2/11/20**
This bill requires dementia training for direct care staff in residential facilities and community-based settings. ***This new law takes effect on February 6, 2020.***

NEW JERSEY

SB 160 **Contagious Disease Emergency Plan** **Cardinale** **Legislation Pending**
This legislation requires assisted living communities to develop a cohorting plan to address outbreak of contagious diseases. Under the bill, a long-term care facility is to develop and implement a plan, to be submitted to and approved by the Department of Health, to cohort at-risk patients in the event of an outbreak of life-threatening, contagious disease, or similar health emergency until the cessation of the outbreak or emergency. The bill provides that the Department of Health is not to issue a license to a long-term care facility unless in compliance with the bill's provisions. Existing communities have 180 days from the bill's effective date to comply. *January 14th Introduced; Referred to Health Committee.*

AB 1364 **Dispute Resolution Hearings** **Benson** **Legislation Pending**
SB 575 **Madden**
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. *AB 1364 January 14th Introduced; Referred to Health Committee. SB 575 January 14th Introduced; Referred to Health Committee.*

AB 1226 **Emergency Power** **Schaer** **Legislation Pending**
SB 265 **Kean**

This legislation requires electric public utilities to provide priority power restoration to certain medical facilities, assisted living communities, and nursing homes. *AB 1226 January 14th Introduced; Referred to Homeland Security and State Preparedness Committee. SB 265 January 14th Introduced; Referred to Economic Growth Committee.*

AB 1635 **Marijuana** **Lampitt** **Legislation Pending**

This legislation permits authorization for dispensation of medical marijuana through telemedicine and telehealth for assisted living residents. *January 14th Introduced; Referred to Health Committee. March 5th Hearing Scheduled – Health Committee.*

AB 2118 **Cable Contracts** **Tully** **Legislation Pending**

This bill requires telecommunications, cable television, and internet service providers to allow service recipients to terminate service contracts following a physician’s referral to an assisted living community. *January 14th Introduced; Referred to Consumer Affairs Committee.*

AB 2719 **Abuse Reporting** **Downey** **Legislation Pending**
SB 1989 **Gopal**

These bills increase fines for senior living operators and employees for failing to report suspected abuse or exploitation of an elderly person. *AB 2719 February 13th Introduced. March 5th Hearing Scheduled – Aging and Seniors Services Committee; Reported out of committee; 2nd reading. SB 1989 March 5th Introduced; Referred to Senate Health Committee.*

AB 3856 **Coronavirus** **Downey** **Vetoed by Governor 5/4/20**
SB 2297 **Gopal**

These bills make FY 2020 supplemental appropriations of \$10 million for healthcare and residential facility sanitation due to coronavirus disease outbreak. *March 16th Passed House (65-0). March 19th Passed Senate (34-0). May 4th Vetoed by Governor.*

AB 3999 **Essential Employee Benefits** **Giblin** **Passed Senate**
SB 2380 **Sweeney**

This legislation allows for ordinary and accidental disability retirement, and any other benefits provided by law to individuals suffering injury or illness through the course of their employment for an individual contracts coronavirus disease 2019 during a time period in which the individual is working in a place of employment other than the individual’s own residence as a health care worker, public safety worker, or other essential employee. There shall be a rebuttable presumption that the contraction of the disease is work-related and fully compensable for the purposes of benefits provided. This prima facie presumption may be rebutted by a preponderance of the evidence showing that the worker was not exposed to the disease while working in the place of employment other than the individual’s own residence. *AB 3999 May 4th Introduced; Referred to Labor Committee. SB 2380 May 14th Passed Senate (27-10).*

AB 4007 **Isolation Prevention** **Huttle** **Legislation Pending**

This bill would require the Department of Health to implement and oversee an Isolation Prevention Project in long-term care facilities, including assisted living, that would be operable during public emergencies. *May 4th Introduced – Referred to Human Services Committee.*

AB 4015 **Disease Outbreak** **Dancer** **Legislation Pending**
SB 2432 **Gopal**

The purpose of the study commission is to analyze the ability of long-term care facilities, including assisted living, to respond to an infectious disease outbreak and to determine methods to encourage home health care in the State. Specifically, the commission is to examine policies and procedures established by long-term care facilities to respond to an infectious disease outbreak and to curb the spread of the disease; analyze whether long-term care facilities have a sufficient number of employees to meet residents’ needs in the event of an

continued on next page

infectious disease outbreak within the long-term care facility; make recommendations as to how long-term care facilities may better respond to an infectious disease outbreak; analyze methods to retain home health aides within the State; and examine methods to encourage home health care in the State. *AB 4015 May 4th Introduced; Referred to Health Committee. SB 2432 May 7th Introduced; Referred to Health Committee.*

AB 4150
SB 2677

PPE Supplies

Pinkin
Vitale

Legislation Pending

This legislation requires assisted living communities to maintain a 90-day supply of personal protection equipment (PPE) during the coronavirus disease 2019 pandemic, if within the financial means of the community. *AB 4150 May 14th Introduced; Referred to Assembly Health Committee. SB 2677 July 6th Introduced; Referred to Senate Health Committee; Human Services and Senior Citizens Committee.*

AB 4288
AB 680
SB 2545
SB 1926

LGBTQ Resident Rights

Huttle
Huttle
Singleton
Codey

Legislation Pending

This legislation establishes requirements concerning rights of lesbian, gay, bisexual, transgender, questioning, queer, and intersex residents of long-term care communities. Specifically, the bills provide that it will be prohibited for an assisted living community to: deny admission, transfer, or evict; deny a request to share a room; refuse to assign a room to a transgender resident other than accordance with the residents gender identity; prohibit use of restrooms of choice; fail to use residents chosen name or pronouns; deny the right to wear or be dressed in clothing; restrict association with other resident or visitors; deny or restrict medical or nonmedical care. Each community will be required to ensure resident records, including at the time of admission, include the resident's gender identity, pronouns, and chosen name. The bills require each long-term care community to ensure that the administrators and staff at the community receive training, on at least a biennial basis, concerning care for LGBTQI seniors and seniors living with HIV and preventing discrimination based on sexual orientation, gender identity or expression, intersex status or condition, and HIV status. All communities will be required to prominently post a notice stating that the community does not discriminate and does not permit discrimination, including, but not limited to, bullying, abuse, or harassment, on the basis of actual or perceived sexual orientation, gender identity, gender expression, intersex status or condition, or HIV status, or based on association with that individual. *AB January 14th Introduced; Referred to Assembly Health Committee. SB 1926 February 25th Introduced; Referred to Senate Health Committee. SB 2545 June 8th Introduced; Referred to Health Committee. AB 4288 June 22nd Introduced; Referred to Aging and Senior Services Committee.*

AB 4290
SB 2489

Notification Requirements

Huttle
Stack

Legislation Pending

These bills establish communication and notification requirements for long-term care facilities. Specifically, the bill requires that long-term care facilities provide daily updates concerning the resident's health status to a resident's guardian, or if the resident does not have a guardian, to a family member who requests such information. The daily update is to include notice of any clinically significant changes in the resident's health status that do not necessitate the provision of intensive or emergency care. A guardian or family member may opt out of receiving daily updates, which opt out will be valid for up to six months and may be renewed by the guardian or family member. A community that fails to provide daily updates or notice of changes in a resident's health status as required under the bill will be liable to a civil penalty of up to \$500 for each day during which the required update or notice is not provided. *AB 4290 June 22nd Introduced; Referred to Aging and Senior Services Committee. SB 2489 May 14th Introduced; Referred to Health Committee.*

AB 5616 **Temporary Operators** **Weinstein** **Legislation Pending**
SB 4486 **Carlucci**

These bills 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. *AB 5616 February 14, 2019 Introduced – Referred to Health Committee. April 1, 2019 Hearing Scheduled – Health Committee. April 2, 2019 Referred to Codes Committee. April 5, 2019 Hearing Scheduled – Codes Committee. April 9, 2019 Hearing Scheduled – Codes Committee. April 25, 2019 Advanced to Third Reading. January 8, 2020 Ordered to Third Reading. SB 4486 March 13, 2019 Referred to Health Committee.*

AB 6040 **Background Checks** **Lawrence** **Legislation Pending**

This legislation would require supportive maintenance employees in assisted living communities to undergo criminal history background checks. *January 8th Referred to Health Committee. July 14th Hearing Scheduled – Health Committee.*

AB 6828 **Abuse Reporting** **Crespo** **Legislation Pending**

This bill establishes mandatory abuse reporting requirements for mentally or physically incapacitated persons, including residents of assisted living. *AB 6828 January 8th Referred to Aging Committee.*

AB 9521 **Resident Rights** **Gottfried** **Passed House and Senate**
SB 7190 **Rivera**

This legislation would allow every resident or, in the case of a person who lacks capacity to consent to his or her health care, a person legally authorized to consent on behalf of the resident, to have the right to choose the their own health care providers for services not covered by his or her admission agreement. *February 10th Passed House. February 5th Passed Senate. April 17th Delivered to Governor.*

SB 8264 **COVID-19 Transparency Council** **Serino** **Legislation Pending**

This legislation establishes an emergency public health transparency and accountability council to receive reports of allegations of violations of any law, regulation or executive order related to the COVID-19 outbreak, in nursing homes and adult care facilities, or any conditions or actions that otherwise put any health care provider or resident of a nursing home or adult care facility at unnecessary risk. *May 1st Referred to Health Committee.*

SB 8272 **COVID-19 Displaced Employees Grants** **Serino** **Legislation Pending**

This legislation provides for pandemic displaced employees grants to nursing homes and adult care facilities that have hired employees who have been displaced from their place of employment and/or hired temporary staff to assist in providing information on residents to families due to any executive order issued by the governor related to the COVID-19 pandemic. *May 1st Referred to Health Committee.*

AB 8387 **AL Special Focus Communities** **Woerner** **Legislation Pending**
SB 8500 **Martinez**

These bills require the Department of Health to appoint a supervisor to monitor assisted living communities which have been designated as special focus communities and to oversee operations and finances of the community in order to remedy deficiencies noted by the center for Medicare and Medicaid services. *AB 8387 January 8th Referred to Health Committee. SB 8500 June 6th Referred to Rules Committee.*

AB 9932 **Election Campaigning** **Lavine** **Legislation Pending**

This bill would make it unlawful for a person to deny access to an assisted living unit to a candidate or volunteer running for state or federal office. Assisted living communities would be allowed to deny permission to visit certain persons for valid health reasons. *February 27th Referred to Election Law Committee.*

AB 10427 **COVID-19 Liability Protection Repeal** **Kim** **Legislation Pending**
SB 8497

This legislation would repeal the emergency or disaster treatment protection act which protects health care facilities and health care professionals from liability that may result from treatment of individuals with COVID-19 under conditions resulting from circumstances associated with the public health emergency. *SB 8497 June 6th Referred to Health Committee. AB 10427 May 11th Referred to Health Committee.*

AB 10547 **Video Communication** **Davila** **Legislation Pending**

This bill requires video communication devices for residents in assisted living communities when visitor access is limited; requires as part of a disaster preparedness plan including, but not limited to, during a designated state of emergency or a state disaster emergency. *May 28th Referred to Health Committee.*

AB 10836 **Resident Rights** **Cruz** **Passed Senate**
SB 8633 **May**

This legislation will establish a Reimagining Long-Term Care Task Force with representatives from across the long-term care system. The task force will have two goals. First, to examine the impact of the coronavirus pandemic on long-term care in New York State, producing a report on issues like staffing shortages, visitation bans, infection control protocols and enforcement. Second, to make recommendations to the Governor and legislature on how to build a more resilient long-term care system to care for and protect the overall well-being of residents and clients in any future emergency. *SB 8633 July 22nd Passed Senate. AB 10836 July 20th Referred to Aging Committee.*

NORTH CAROLINA

HB 1196 **COVID-19 Testing** **Autry** **Legislation Pending**

This legislation requires mandatory weekly testing of staff in assisted living communities and appropriates coronavirus relief funds to the Department of Health and Human Services to purchase COVID-19 diagnostic tests and personal protective equipment for distribution. *May 26th Referred to Committee on Appropriations; Passed first reading.*

OHIO

SB 308 **COVID-19 Liability** **Huffman** **Passed Senate**

This bill would revise the law governing immunity from civil liability for health care providers during disasters, to provide qualified civil immunity to service providers providing services during and after a government-declared disaster or emergency due to COVID-19, and to declare an emergency. *June 3rd Passed Senate.*

OKLAHOMA

SB 1739 **Electronic Monitoring** **Leewright** **Approved by Governor 5/18/20**

This new law 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 may be posted at the entrance of the resident's room informing of the use electronic monitoring. **March 3rd Passed Senate (46-0). May 11th Passed House (97-0). This new law takes effect November 1, 2020.**

PENNSYLVANIA

SB 1189 **AL Admissions** **Ward** **Legislation Pending**
This legislation would ensure that no individual who is less than thirty days from testing positive for a communicable disease or who is less than thirty days from being asymptomatic of a communicable disease shall be admitted to a facility without being placed in isolation within the facility with dedicated personnel assigned only to the area of isolation during the period of time in which the personnel is working. *June 9th Referred to Health and Human Services Committee. July 15th Hearing Scheduled – Health and Human Services Committee.*

HB 2437 **COVID-19 Reporting** **Stephens** **Passed House**
This legislation would require assisted living communities to report COVID-19 related data to and in accordance with the appropriate licensing department in the same manner it currently reports specific identified and reportable diseases, infections, and conditions. *June 10th Passed House. June 17th Referred to Senate Health and Human Services Committee.*

HB 2543 **COVID-19 Testing** **Stephens** **Legislation Pending**
This legislation ensures that the Department of Human Services will make testing available to all residents and employees of assisted living during the COVID-19 pandemic. Costs not covered by the resident or employee's health insurance will be covered by the Department of Health and Department of Human Services from money appropriated for COVID-19 relief received from the Families First Coronavirus Response Act or the CARES Act. *May 21st Referred to State Government Committee. May 26th Hearing Scheduled – State Government Committee. July 7th Re-committed to Rules Committee.*

HB 2608 **PPE Stockpile** **Day** **Legislation Pending**
This legislation would require the state to purchase and keep a one-year stockpile of personal protective equipment (PPE) to be utilized in the event of a disaster emergency. The PPE may be used by any facility, including assisted living communities, that is in need as determined by the Department of Health. *June 23rd Referred to Health Committee.*

HB 2614 **AL Admissions** **Heffley** **Legislation Pending**
This legislation would require a negative COVID-19 test of hospital patients before admission to assisted living communities. *June 23rd Referred to Health Committee.*

HB 2639 **Liability Protection** **Day** **Legislation Pending**
SB 1181 **Brooks**

This legislation provides for emergency liability limitations including for assisted living during state of disaster emergency. *HB 2639 June 29th Referred to Judiciary Committee. SB 1181 June 4th Referred to Judiciary Committee.*

HB 2640 **Direct Care Workers** **Davis** **Legislation Pending**
This legislation establishes the Direct Care Worker Wage Advisory Board and provides for its powers and duties, providing for minimum wage for direct care workers and for a direct care worker registry. *June 29th Referred to Labor and Industry Committee.*

HB 2640 **AL Nurses Loan Forgiveness** **Boback** **Legislation Pending**
This legislation would establish the Student Loan Forgiveness for Nurses Program. The Pennsylvania Higher Education Assistance agency will forgive 50% of an eligible individual's student loans, not to exceed \$100,000, if the eligible individual enters into an agreement with the agency to remain employed at a qualified health care facility in this Commonwealth for a period of three years. Assisted living communities are included as a qualified health care facility. *July 14th Referred to Education Committee.*

RHODE ISLAND

SB 2744 **Long-Term Care Ombudsman** **Satchell** **Legislation Pending**
This act would require informed consent of the elderly for referral of investigations to be made by other state agencies by the long-term care ombudsperson (LTCO). This act would also prohibit disclosure of identifying information of any resident of whom the LTCO maintains a record or file. *March 4th Introduced: Referred to Senate Health and Human Service Committee.*

SOUTH DAKOTA

HB 1056 **Electronic Monitoring** **Mulally** **Approved by Governor 3/4/20**
This legislation 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. **February 5th Passed House (56-11). February 25th Passed Senate (33-0). This new law takes effect on July 1, 2020.**

VERMONT

SB 297 **Agency** **Kitchel** **Legislation Pending**
This legislation would create the Agency of Health Care Administration which would oversee assisted living and long-term care communities. January 15th First Reading; Referred to Committee on Health and Welfare. *February 26th Hearing Scheduled – Senate Committee on Health and Welfare. March 11th Hearing Scheduled – Senate Committee on Government Operations; Senate Committee on Health and Welfare. March 24th Favorable Reports from Committee on Health and Welfare and Committee on Government Operations. March 27th Second Reading. March 30th Unfinished Business.*

SB 346 **AL Employee Hazard Grant** **Special Committee on Appropriations** **Passed Senate**
This bill proposes to create the Essential Employees Hazard Grant Program for the payment of grants to employees performing essential work that exposes them to an increased risk of contracting COVID-19, including workers in assisted living communities. *May 1st Passed Senate. May 14th Hearing Scheduled House Committee on Commerce and Economic Development.*

HB 635 **Long-Term Care** **McFaun** **Approved by Governor 6/23/20**
This new law authorizes the Department of Disabilities, Aging, and Independent Living to take immediate enforcement action to eliminate a condition that can be reasonably expected to cause mental harm to residents or staff; adds a definition of "insolvent" to be applied in the context of the regulation of long-term care facilities; and prohibits any actions taken by a court-appointed temporary receiver from being used by a long-term care facility in support of its opposition to the Department's request for a receivership. **This new law takes effect immediately.**

HB 965 **Coronavirus Relief Fund** **Committee on Appropriations** **Approved by Governor 7/2/20**
This new law appropriates \$300 million from the Coronavirus Relief Fund for health care- and human services-related expenses incurred as a result of the COVID-19 pandemic. Assisted living communities are eligible to receive this money. **This new law takes effect July 1, 2020.**

VIRGINIA

The Board of Long-Term Care Administrators has granted an extension of continuing competency requirements for a period of six months after the deadline for any renewal due by March 31.

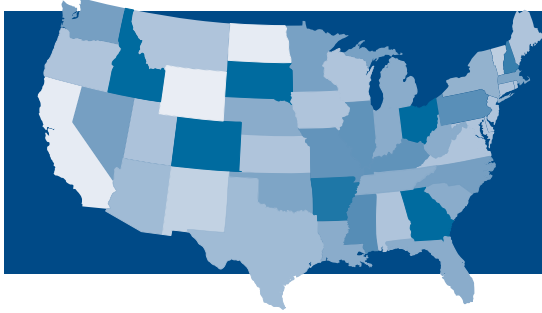
SB 185 **Cannabidiol** **Dunnivant** **Approved by Governor 4/7/20**
This new law allows assisted living community staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabidiol oil or THC-A oil to a resident who has been issued a valid written certification for such medication. ***This new law takes effect on July 1, 2020.***

SB 355 **Audio-Visual Recording** **Cosgrove** **Approved by Governor 4/7/20**
This new law requires the Department of Social Services to convene a work group to provide recommendations related to regulations for the audio-visual recording of residents in assisted living communities. ***This new law takes effect on July 1, 2020.***

HB 471 **Unprofessional Conduct Reporting** **Collins** **Approved by Governor 3/2/20**
SB 540 **Vogel**
This new law requires the administrator of every licensed assisted living community to report to the Department of Health Professions any information of which he may become aware in his professional capacity that he has determined, in good faith, after investigation, review, or consultation, if and as needed, with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. ***February 6th Passed House (99-0). February 17th Passed Senate (40-0). This new law takes effect on July 1, 2020.***

SB 686 **Service Plans** **Mason** **Approved by Governor 4/9/20**
This new law requires the Board of Social Services to amend its regulations governing assisted living community individualized service plans to require (i) that individualized service plans be reviewed and updated (a) at least once every 12 months or (b) sooner if modifications to the plan are needed due to a significant change in the resident's condition; and (ii) that any deviation from the individualized service plan (a) be documented in writing or electronically, (b) include a description of the circumstances warranting deviation and the date such deviation will occur, (c) certify that notice of such deviation was provided to the resident or his legal representative, (d) be included in the resident's file, and (e) in the case of deviations that are made due to a significant change in the resident's condition, be signed by an authorized representative of the assisted living community and the resident or his legal representative. ***This new law takes effect July 1, 2020.***

HB 1222 **Notaries in AL** **Tran** **Approved by Governor 4/9/20**
This new law allows expired state issued driver's licenses or state issued identification cards and expired passports to be used as a means of identification for notarial purposes for individuals residing in assisted living communities, provided such expired documents expired within five years of the date of use for such identification purposes. ***This new law takes effect July 1, 2020.***



WEST VIRGINIA

HB 4422

Patient Brokering

Boggs

Approved by Governor 3/25/20

This new law makes patient brokering a felony. It defines patient brokering as anyone who offers, pays, solicits, receives, aids, abets, advises for a commission, benefit, bonus, rebate, kickback or bribe, directly or indirectly, in cash or in kind, or engages in a split-fee arrangement, in any form, to induce the referral of a patient or patronage to or from an assisted living resident. Exceptions: an individual employed by an assisted living residence or with whom the assisted living residence contracts; a payment by an assisted living residence to a referral services; an assisted living residence that provides monetary reward to a resident of an assisted living residence. ***This new law takes effect June 5, 2020.***

SB 558

AL Workforce

Takubo

Approved by Governor 3/25/20

HB 4434

Summers

This new law directs that, on or before February 1, 2021, the Secretary of the Department of Commerce shall research, survey, study and issue a public report on the existing workforce in the continuum of care, as well as the anticipated future workforce needs over the next 15 years, including the assisted living workforce. ***This new law takes effect June 1, 2020.***

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.

To access the digital version of this *State Policy Update* login to the "Members Area" of the ASHA website. For login credentials, contact Meghan at mbertoni@seniorshousing.org.