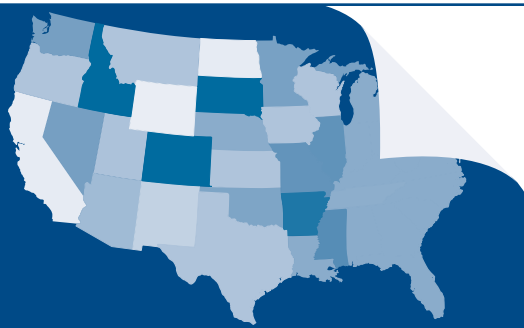


STATE POLICY UPDATE



AMERICAN SENIORS HOUSING ASSOCIATION
Living Longer Better

June 5, 2019

ARIZONA

SB 1244 **Assisted Living Training** **McGee** **Passed House and Senate**

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. *May 27th Passed House (59-0). May 27th Passed Senate (28-0).*

ARKANSAS

SB 615 **CCRCs** **Leding** **Approved by Governor 4/10/19**

This new law requires a life care provider to include at least one resident of the continuing care community, who is nominated by the residents, as a voting member of the life care provider's governing body. A resident member shall perform his or her duties in a manner that complies with the standards of conduct and fiduciary duties of the members of the governing board of the life care provider. *March 27th Passed Senate (35-0). April 2nd Passed House (89-3).*

CALIFORNIA

SB 172 **Firearms** **Portantino** **Passed Senate**

This legislation would require a Residential Care Facility for the Elderly (RCFE) that permits residents to possess firearms on its premises to centrally store firearms and ammunition in a locked gun safe. The bill would require the facility to prepare and maintain an individual weapons inventory for each firearm and type of ammunition stored within the facility and submit the inventories to the Department of Justice. The facility would have to maintain a Keep Our Seniors Safe Annual Certification. *May 22nd Passed Senate (25-9).*

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. April 22nd Hearing Scheduled – Human Services Committee.*

AB 1379 **Continuing Care Contracts** **Quirk** **Passed House**

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. *May 16th Passed House (74-0); Sent to Senate. May 29th Referred to Committee on Human Services.*

COLORADO

HB 1268

Referral Agencies

Singer

Approved by Governor 5/13/19

This legislation requires an individual or entity who, for a fee, refers a prospective resident to an assisted living residence to disclose: any business relationships that the referring party has with the assisted living residence and that the assisted living residence pays for the referral. The bill requires written or electronic documentation of the disclosure to be provided to and maintained by the assisted living residence. The referring party is subject to a civil penalty for a violation. The attorney general or district attorney in the appropriate county is authorized to bring a civil action to seek a civil penalty and to enjoin the referring party from any further violation. *April 10th Passed House. April 22nd Passed Senate. **This new law takes effect on August 2, 2019.***

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

CCRCs

Yarborough

Passed House & Senate

SB 1070

Lee

ASHA provided financial support to the Florida LeadingAge affiliate to ensure that this bill was balanced in its efforts to address regulatory concerns and that provisions in it would not adversely affect the availability and cost of financing and refinancing.

This legislation creates financial triggers that the Office of Insurance Regulation (OIR) must use to identify financially challenged CCRCs early enough to intervene and remedy the situation before insolvency; strengthens current disclosure requirements for prospective and current residents; updates sections of law to conform to current regulatory, accounting, and business practices; and creates a new section on expansions to include provisions that will benefit established, successful CCRCs. 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 insolvent 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 April 25th Passed House (113-0). SB 1070 May 3rd Passed Senate (40-0). When approved by the Governor this bill will take effect on January 1, 2020.*

HB 7019 **Agencies** **Health Market Reform Subcommittee** **Approved by Governor 4/26/19**
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). *HB 7019 April 11th Passed House (116-0). SB 184 March 21st Passed Senate (40-0). April 26th Approved by Governor. **This new law takes effect on July 1, 2019.***

GEORGIA

HB 300 **CCRCs** **Smith** **Approved by Governor 5/7/19**

This bill seeks to re-designate continuing care retirement communities as "life plan communities." *March 4th Passed House (167-1). March 21st Passed Senate (52-0). **This new law takes effect on July 1, 2019.***

HB 374 **Hospice Care** **LaHood** **Approved by Governor 5/11/19**

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). April 4th Sent to Governor. **This new law takes effect on July 1, 2019.***

IDAHO

SB 1096 **Inspections** **Health and Welfare** **Approved by Governor 3/21/19**

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. Accreditation organizations are defined as the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission, or another nationally recognized accreditation organization approved by the director. 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). **This new law takes effect on July 1, 2019.***

ILLINOIS

SB 109 **Electronic Monitoring** **Link** **Passed House & Senate**

This legislation amends the Authorized Electronic Monitoring in Long-Term Care Facilities Act to include communities that provide housing to individuals with dementia. *March 27th Passed Senate (54-0). May 21st Passed House (116-0).*

HB 2314 **Discrimination** **Mah** **Passed House & Senate**
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 April 10th Passed Senate (55-0). HB 2314 May 21st Passed House (91-20).*

HB 2488 **CCRCs Task Force** **Willis** **Passed House**

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. *March 28th Passed House (101-0). April 3rd Arrived in Senate. April 24th Referred to Assignments. April 30th Assigned to Public Health Committee. May 7th Hearing Scheduled – Public Health Committee. May 9th Reported Do Pass; Placed on Calendar for Second Reading. May 28th Hearing Scheduled – Judiciary Committee.*

MARYLAND

HB 588
SB 698

CCRCs

Hettleman
Kelley

Approved by Governor 4/30/19

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 April 5th Passed House (135-0). SB 698 March 18th Passed Senate (46-0). April 30th Signed by Governor. **This new law takes effect on October 1, 2019.***

MASSACHUSETTS

HB 625
SB 365

Expanded AL Services

Pignatelli
Jehlen

Legislation Pending

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. May 7th Hearing Scheduled – Joint Committee on Elder Affairs. SB 365 January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

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. *January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

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. *January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

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 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

HB 599
SB 156

AL Consumer Rights

Barber
Jehlen

Legislation Pending

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. April 4th Discharged to Committee on Elder Affairs. May 7th 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 22nd Introduced – Referred to Public Health Committee. HB 604 January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th 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 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs. HB 617 January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

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 22nd Introduced – Referred to Committee on Elder Affairs.*

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 22nd Introduced – Referred to Committee on Elder Affairs. SB 359 January 22nd Introduced – Referred to Committee on Elder Affairs.*

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. *HB 627 January 22nd Introduced – Referred to Committee on Elder Affairs. SB 370 January 22nd Introduced – Referred to Committee on Elder Affairs. May 7th Hearing Scheduled – Joint Committee on Elder Affairs.*

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

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 **Assisted Living Licensure** **Schultz** **Approved by Governor 5/22/19**
SF 8 **Housley**

This legislation establishes one license combining current housing with services and home care providers. A licensee will choose which level of license to apply for: regular assisted living or assisted living with dementia care. No assisted living community may advertise or represent that the community offers dementia care without complying with additional requirements on staffing, training, and programming. The legislation sets qualifications for assisted living administrators who must be licensed by the new Board of Executives for Long-Term Services and Supports. The bill allows for electronic monitoring in communities. The bill establishes physical plant expectation for basic emergency pre

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paredness and safety, including: sprinklers or smoke detectors in each occupied room and portable fire extinguishers. The bill requires an assessment of a resident done by a nurse prior to move in or signing of a contract with scheduled reassessments and ongoing assessments monitoring the resident. The bill also establishes an assisted living resident's bill of rights prohibiting retaliation. Included in the definition of retaliation is: termination of a contract; any form of discrimination; restriction or prohibition of access; imposition of involuntary seclusion or the withholding of food, care or services; restriction of any of the rights granted to residents; restriction or reduction of access to or use of amenities, care services, privileges, or living arrangements; unauthorized removal, tampering with, or deprivation of technology, communication, or electronic monitoring devices. A community must disclose a uniform checklist of all services offered, all services allowed under the license, and all services allowed under the license that does community does not provide. The legislation enhances expectations for terminations of lease/services and includes language on notice timeframes, planning requirements, and documentation requirements. All current housing with services (HWS) providers who meet the definition of assisted living will need to apply for a new license effective August 1, 2021. *SF 8 May 19th Passed Senate (66-1). HF 90 May 10th Passed House (73-45). This new law takes effect on August 1, 2021.*

MONTANA

HB 566 **Background Checks** **Schreiner** **Approved by Governor 5/7/19**
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. *March 30th Passed House (63-35). April 9th Passed Senate (31-19). This new law takes effect on October 1, 2019.*

HB 613 **CCRCs** **Skees** **Approved by Governor 5/10/19**
This bill provides that a continuing care retirement community may apply for a limited, nontransferable all-beverages license that is exempt from a quota. *March 29th Passed House (70-28); April 13th Passed Senate (45-5). This new law takes effect on October 1, 2019.*

NEBRASKA

LB 571 **Grievance Database** **Walz** **Approved by Governor 5/29/19**
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. *May 23rd Passed (42-0). This new law takes effect on August 31, 2019.*

NEVADA

SB 223 **Power of Attorney** **Cannizzaro** **Approved by Governor 5/16/19**
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. *April 18th Passed Senate (21-0). May 10th Passed House (40-0). This new law takes effect on October 1, 2019.*

SB 362 **Dementia Care** **Hardy** **Passed House & Senate**
This bill requires the State Board of Health to adopt separate regulations governing the licensing of facilities that care for those with "severe dementia." An administrator of a residential facility, including assisted living, must assess the condition of each resident believed to have early onset dementia and provide the results of the assessment to a physician. *April 23rd Passed Senate (21-0). May 24th Passed House (39-0).*

NEW HAMPSHIRE

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. March 19th Referred to Election Law and Municipal Affairs Committee. April 25th Hearing Scheduled – Election Law and Municipal Affairs Committee. May 22nd Committee Reported Do Pass. May 30th Reported Do Pass from Committee.*

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.*

AB 3163 **Veteran's Property Tax Exemption** **Houghtaling** **Passed Senate**
SB 1331 **Gopal**
SCR 110 **Gopal**
ACR 134 **Benson**
This legislation would extend eligibility for veterans' property tax deduction and veterans' property tax exemption to residents of continuing care retirement communities. *SB 1331 May 30th Passed Senate (38-0). SCR 110 May 30th Passed Senate (38-0).*

AB 4639 **Licensure Requirements** **Huttle** **Legislation Pending**
AB 4683 **Speight**
SB 3116 **Ruiz**
This bill requires administrative and professional medical staff of assisted living facilities, dementia care facilities, hospitals, and long-term care facilities to have annual training on advance care planning, end-of-life and Physician Orders for Life-Sustaining Treatment (POLST) forms. It also requires these facilities to provide residents and their families, as appropriate, educational materials on POLST forms, advance directives, and hospice and palliative care. The Department of Health may suspend the license of a facility that fails to comply with the bill's provisions. *October 18th Introduced in the Senate – Referred to Senate Health Committee. May 13th Hearing Scheduled – Health, Human Services and Senior Citizens*

Committee; Reported from Committee to Second Reading.

AB 5200 **Dispute Resolution** **Benson** **Legislation Pending**
SB 3559 **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. *HB 5200 March 18th Introduced – Referred to Health and Senior Services Committee. SB 3559 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 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. May 13th Hearing Scheduled – Health, Human Services and Senior Citizens Committees; Referred to Senate Budget and Appropriations Committees. AB 5075 February 25th Introduced – Referred to Assembly Health and Senior Services Committee.*

NEW YORK

AB 866 **LGBTQ Bill of Rights** **Simotas** **Legislation Pending**
SB 2912 **Hoylman**

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. May 14th Amended and Re-Committed to Aging Committee. SB 2912 January 30th – Referred to Aging. May 10th Amended and Re-Committed to Aging Committee. May 30th Hearing Scheduled – Aging Committee.*

AB 5158 **Access to Services** **Cymbrowitz** **Legislation Pending**
SB 897 **Young**

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** **Passed House**
SB 5441 **Sepulveda**

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. *AB 1033 May 1st Passed House. SB 5441 May 1st Referred to Health Committee.*

AB 1140 **Assisted Living** **Rosenthal** **Legislation Pending**

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
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). <i>January 14th Introduced – Referred to Insurance Committee.</i>			
AB 1207	Assisted Living	Gottfried	Legislation Pending
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. <i>January 14th Introduced – Referred to Health Committee.</i>			
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 House & 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 May 13th Passed Assembly.</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 SB 3891	Assisted Living	Hunter Sepulveda	Passed House & Senate
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>AB 2118 April 29th Passed House. SB 3891 May 29th Passed Senate.</i>			

AB 3050 SB 4609	Community Closures	Simon Savino	Legislation Pending
<p>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>AB 3050 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. May 21st Amended on Third Reading. SB 4609 March 15th Referred to Aging Committee. May 14th Hearing Scheduled – Aging Committee. May 20th Advanced to Third Reading.</i></p>			
AB 4275 SB 3066	Assisted Living Fees	DenDekker Lanza	Passed House
<p>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 April 2nd Passed House. SB 3066 February 1st Introduced – Referred to Aging Committee. March 18th Hearing Scheduled – Aging Committee.</i></p>			
AB 4277 AB 5638 AB 6828	Abuse Reporting	Aubry Giglio Crespo	Legislation Pending
<p>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. AB 6828 March 20th Referred to Aging Committee.</i></p>			
AB 4554	Seniors Housing	Hyndman	Legislation Pending
<p>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></p>			
AB 4619 SB 3030	Alzheimer’s Care CCRCs	Englebright Funke	Legislation Pending
<p>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></p>			
AB 4720	Defibrillators	Englebright	Legislation Pending
<p>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></p>			
AB 5121	Seniors Housing Task Force	Cymbrowitz	Legislation Pending
<p>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></p>			
AB 5616 SB 4486	Temporary Operators	Weinstein Carlucci	Legislation Pending
<p>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. April 1st Hearing Scheduled – Health Committee. April 2nd Referred to Codes Committee. April 5th Hearing Scheduled – Codes Committee. April 9th Hearing Scheduled – Codes Committee. April 25th Advanced to Third Reading. SB 4486 March 13th Referred to Health Committee.</i></p>			

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. *February 14th Introduced – Referred to Health Committee.*

AB 6040 **Background Checks** **Lawrence** **Legislation Pending**
This bill would require supportive maintenance employees in assisted living communities to undergo criminal history background checks. *February 26th Referred to Health Committee.*

NORTH CAROLINA

HB 325 **Assisted Living** **Black** **Passed House & Senate**
SB 302 **Krawiec**
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. *HB 325 April 16th Passed House (111-0). SB 302 April 30th Passed Senate (50-0)..*

HB 410 **Generators** **Lucas** **Passed House**
This legislation would require assisted living communities to have emergency generators that provide emergency electrical service sufficient to provide heat, air conditioning, lighting, and other essential electrical services required by rules of the Medical Care Commission. *May 7th Passed House. May 7th Referred to Senate Committee on Rules and Operations; Passed First Reading.*

HB 698 **AL Accreditation** **Black** **Passed House**
This legislation would direct the Department of Health and Human Services' Division of Health Services Regulation to undertake a compliance review of the standards for obtaining assisted living accreditation from the Accreditation Commission for Health Care. Upon satisfactory results of the compliance review the Department is authorized to issue adult care home licenses by virtue of accreditation and exempt accredited communities from routine inspection, monitoring, and the star rating program for assisted living communities. *May 6th Passed House. May 6th Referred to Senate Committee on Rules; Passed First Reading.*

NORTH DAKOTA

SB 2113 **Electronic Monitoring** **Human Services** **Approved by Governor 4/12/19**
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 Senate (47-0). March 27th Passed House (51-39). **This new law takes effect on July 1, 2019.***

OKLAHOMA

SB 142 **Antipsychotic Medication** **Bice** **Approved by Governor 5/7/19**
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). April 17th Passed House (85-0). **This new law takes effect on November 1, 2019.***

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. April 3rd Hearing Scheduled – Health Care Committee. April 8th Hearing Scheduled – Health Care Committee. April 15th Referred to Ways and Means Committee. May 24th Assigned to Subcommittee on Human Services. May 29th Hearing Scheduled – Ways and Means Subcommittee on Human Services. May 31st Hearing Scheduled – Ways and Means Committee.*

SB 917

Disclosure of Information

Gelser

Passed House & Senate

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. *April 24th Passed Senate (29-0). April 25th First Reading in House. May 15th Hearing Scheduled – Human Services and Housing Committee. May 22nd Second Reading. May 23rd Carried Over to May 27th Calendar.*

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. April 2nd Hearing Scheduled – Health Care Committee. April 4th Hearing Scheduled – Health Care Committee. April 9th Hearing Scheduled – Health Care Committee. April 16th Referred to Ways and Means Committee; Reported Do Pass.*

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

Passed House

This bill requires long term care facility to offer plant-based meals as an option any time a meal is served. *April 17th Passed House (39-20). April 23rd Referred to Senate Health Care Committee. May 1st Hearing Scheduled – Health Care 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.*

HB 1018 **Patient Brokering** **Davis** **Legislation Pending**
This legislation 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. *April 5th Referred to Health 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. April 2nd Hearing Scheduled – 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. March 27th Hearing Scheduled – Committee on Health, Education, and Welfare.*

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. April 25th Hearing Scheduled – Committee of Judiciary. June 6th Hearing Scheduled – Senate Committee on Judiciary.*

TEXAS

HB 1848 **Communicable Diseases** **Klick** **Passed House & Senate**
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. *May 2nd Passed House. May 22nd Passed Senate. May 26th Sent to Governor.*

HB 3329 **Assisted Living** **Frank** **Approved by Governor 5/29/19**
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 April 26th Passed House. SB 1406 May 15th Passed Senate. **This new law takes effect on September 1, 2019.***

VIRGINIA

SB 1409 **Assisted Living** **Mason** **Approved by Governor 3/18/19**

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). **This new law takes effect on July 1, 2019.***

SB 1077 **Emergency Generators** **Howell** **Approved by Governor 2/21/19**

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 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 **Assisted Living Staffing** **Rasoul** **Approved by Governor 3/8/19**
SB 1410 **Mason**

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** **Approved by Governor 3/19/19**

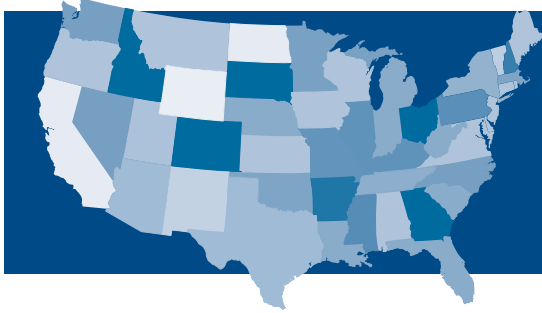
This legislation allows for a registered agent to pick up or receive delivery of medical cannabis, specifically cannabidiol (CBD) oil and THC-A oil, for those who physically are unable to do so for themselves. The bill's language does not reference assisted living specifically, but Virginia National 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). **This new law takes effect on July 1, 2019.***

HB 1815 **Emergency Power** **Hope** **Approved by Governor 3/19/19**

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). **This new law takes effect on July 1, 2019.***

HB 2722 **CCRCs** **Watts** **Approved by Governor 3/8/19**
SB 1722 **Barker**

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

**Jinkins
Palumbo**

Approved by Governor 5/13/19

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. Premiums of 0.58% of wages would begin being withheld from employees' check starting in 2022. The maximum benefit is capped at \$36,500 per person. A person earning \$50,000 per year would pay a premium of around \$24 per month or \$288 per year. The bill exempts individuals who hold long-term care insurance policies. *HB 1087 April 23rd Passed House (55-41). SB 5331 April 16th Passed Senate (26-22).*

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.