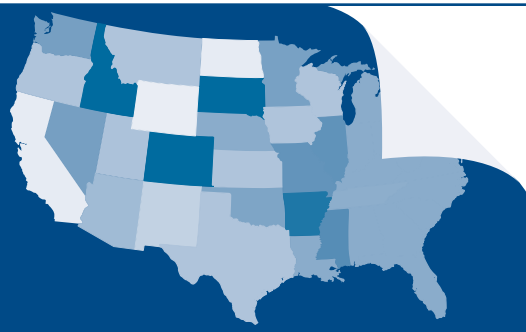


STATE POLICY UPDATE



**AMERICAN
SENIORS
HOUSING
ASSOCIATION**
Living Longer Better

November 21, 2019

ARIZONA

SB 1244

Assisted Living Training

McGee

Approved by Governor 5/28/19

This new law 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

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:

continued on next page

(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.

SB 172

Firearms

Portantino

Approved by Governor 10/12/19

This new law requires 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 (26-9). September 11th Passed House (52-22). This new law takes effect on January 1, 2020.*

SB 228

Master Plan on Aging

Jackson

Approved by Governor 10/11/19

Following the Governor's Executive Order, this bill requires the secretary of the California Health and Human Service Agency, in coordination with the Director of the California Department of Aging, to lead the development and implementation of the master plan. The bill requires the secretary and the director, with the assistance of the workgroup, to work with specified agencies, as needed, to identify policies, efficiencies, and strategies necessary to implement the master plan. The bill also requires the workgroup to solicit input and gather information to assist with the implementation of the master plan. The bill would require the department to submit a report to the Governor and the Legislature by October 1, 2020, and submit updates annually thereafter, until October 1, 2030, regarding the master plan. ***This new law takes effect immediately.***

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.*

B 325 **Dementia Training** **Gray** **Legislation Pending**
This bill requires dementia training for direct care workers, which includes staff whose work involves extensive contact with residents or program participants of residential facilities or home-and community-based programs that provide supportive services. *June 4th Referred to Health Committee. June 14th Notice of Intent to Act. November 22nd Public Hearing Scheduled.*

FLORIDA

HB 1033 **CCRCs** **Yarborough** **Approved by Governor 6/27/19**
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 new law 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 insolvents providers; notices of quarterly meetings prior to monthly rate increases; and the requirement that the OIR must respond within 15 days to a complaint from an interested party about a CCRC. *HB 1033 April 25th Passed House (113-0). SB 1070 May 3rd Passed Senate (40-0). **This new law takes effect on January 1, 2020.***

HB 7019 **Agencies** **Health Market Reform Subcommittee** **Approved by Governor 4/26/19**
SB 184 **Book**
This new law transfers 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.***

SB 402 **Assisted Living** **Harrell** **Legislation Pending**
This bill would clarify that an assisted living facility licensed to provide extended congregate care services or limited nursing services must maintain a written progress report on each person receiving services from the facility's staff. It would also prohibit a county or municipality from issuing a business tax receipt, rather than an occupational license, to a facility under certain circumstances. The bill would require a facility to initiate an investigation of an adverse incident

within 24 hours and provide a report of such investigation to the Agency for Health Care Administration within 15 days. This legislation also allows residents who need assistive devices to remain in assisted living and clarifies how community staff should help administer medication to residents. *September 30th Filed. October 15th Referred to Health Policy, Appropriations Subcommittee on Health and Human Services, and Appropriations Committees. October 28th On Committee Agenda – Health Policy Committee. November 5th Hearing Scheduled – Committee on Health Policy. November 7th Now in Appropriations Subcommittee on Health and Human Services.*

GEORGIA

HB 300 **CCRCs** **Smith** **Approved by Governor 5/7/19**
This new law re-designates 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 new law allows 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 new law 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** **Approved by Governor 7/26/19**
This new law 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). June 19th Sent to Governor. **This new law takes effect immediately.***

HB 2314 **Discrimination** **Mah** **Approved by Governor 8/9/19**
SB 1319 **Villivalam**
This new law prohibits 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). **This new law takes effect immediately.***

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.*

MAINE

LD 1795

Fire Safety

Gratwick

Approved by Governor 6/17/19

This new law amends the law governing fire safety inspection for assisted living programs to require inspections using the chapter pertaining to the applicable building type (rather than new apartment buildings) of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal. ***This new law takes effect immediately.***

MARYLAND

HB 588

CCRCs

Hettleman

Approved by Governor 4/30/19

SB 698

Kelley

This new law repeals 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

Expanded AL Services

Pignatelli

Legislation Pending

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 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	AL Consumer Rights	Barber	Legislation Pending
SB 156		Jehlen	

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
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This bill directs the executive office of health and human services to investigate and establish a zero interest loan trust fund for the purpose of establishing a program to convert entire or parts of licensed nursing facilities to community-based residences, including assisted living residences. *January 22nd Introduced – Referred to Committee on Elder Affairs. September 17th Hearing Scheduled – Joint Committee on Elder Affairs. October 30th Reported Favorably by Committee and Referred to the Committee on Health Care Financing.*

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. October 29th – Hearing Scheduled – Joint 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
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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 facilities in the Commonwealth from the Department of Elder Affairs. *January 22nd Introduced – Referred to Committee on Public Health. July 16th Hearing Scheduled – Joint Committee on Public Health.*

HB 4063	Assisted Living	Honan	Legislation Pending
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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 23rd Referred to Committee on Rules. May 15th Referred to Committee on Elder Affairs. October 29th Hearing Scheduled – Joint Committee on Elder Affairs.*

MINNESOTA

HF 90	Assisted Living Licensure	Schultz	Approved by Governor 5/22/19
SF 8		Housley	

This new law 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 re-

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quirements 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 preparedness 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 new law requires 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 new law 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 new law requires 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 new law 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** **Approved by Governor 6/5/19**
This new law 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). **This new law takes effect on July 1, 2019.***

NEW HAMPSHIRE

HB 4 **Dementia Training** **Wallner** **Approved by Governor 9/26/19**
This new law requires dementia training for direct care staff in residential facilities and community-based services. Initial training will adhere to the latest nationwide Alzheimer's Association Dementia Care Practice Recommendations. For other covered staff members, training must include, at a minimum, communication issues related to dementia. ***This new law takes effect on July 1, 2019.***

HB 531 **Absentee Voting** **Ebel** **Approved by Governor 7/19/19**
This law permits unrelated caregivers to deliver absentee ballots on behalf of voters who reside in nursing homes or assisted living facilities. *May 30th Passed Senate. This new law takes effect on September 17, 2019.*

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** **Approved by Governor 8/5/19**
SB 1331 **Gopal**
This new law extends 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). AB 3163 June 20th Passed House (78-0). This new law takes effect immediately.*

AB 4639 **Licensure Requirements** **Huttle** **Passed Senate**
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. *SB 3116 June 20th Passed Senate (38-0).*

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. September 10th Hearing Scheduled – Health, Human Services, and Senior Citizens Committee; Referred to Senate Budget and Appropriations Committees; Second Reading Reported from Senate 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.*

AB 5527	LGBTQ Bill of Rights	Conaway	Approved by Governor 8/15/19
SB 3900		Vitale	

This new law requires assisted living communities to submit outbreak response plans to the Department of Health. *AB 5527 June 27th Passed House (74-0). SB 3900 June 27th Passed Senate (37-0). **This new law takes effect immediately.***

SB 4089	Absentee Voting	Diegnan	Legislation Pending
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This bill would allow a long-term care facility licensed or certified social worker or other authorized employee to assist residents with mail-in ballot voting. The bill would also exempt employees from the three-ballot limit for authorized messengers and bearers. *September 10th Introduced in Senate – Referred to Senate State Government, Wagering, Tourism and Historic Preservation Committees.*

AB 8581	Sex Offenders	Thiele	Legislation Pending
SB 1315		Serino	

This bill would prohibit sex offenders from working at or volunteer at any facility whereby the nature of the work would permit such person to have unsupervised access to residential living quarters including, but not limited to work as a residential building superintendent, manager, or maintenance worker, or a home health aide, or in an assisted living facility. *SB 1315 January 14th Introduced – Referred to Crime Victims, Crime and Correction Committee. AB 8581 September 13th Referred to Correction.*

NEW YORK

AB 1615	Temporary Operators	Wright	Approved by Governor 8/29/19
SB 1193		Stewart-Cousins	

This new law requires 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. *SB 1193 January 15th Passed Senate (61-0). AB 1615 May 13th Passed Assembly. **This new law takes effect immediately.***

AB 2118
SB 3891

Assisted Living

Hunter
Sepulveda

Approved by Governor 10/1/19

This new law amends 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. *AB 2118 April 29th Passed House. SB 3891 May 29th Passed Senate. **This new law takes effect immediately.***

NORTH CAROLINA

HB 325
SB 302

Assisted Living

Black
Krawiec

Approved by Governor 7/26/19

This new law allows 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 July 10th Passed House (92-25). SB 302 April 30th Passed Senate (50-0). **This new law takes effect immediately.***

NORTH DAKOTA

SB 2113

Electronic Monitoring

Human Services

Approved by Governor 4/12/19

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. *January 25th Passed Senate (47-0). March 27th Passed House (51-39). **This new law takes effect on July 1, 2019.***

OHIO

SB 24

Alzheimer's Task Force

Yuko

Approved by Governor 11/7/19

This new law establishes a state Alzheimer's Disease and Related Dementias Task Force. The task force will include 28 appointees and will have 18 months to submit a report to the governor and state general assembly on their findings and recommendations for the next 5-10 years. One area the task force will examine is assisted living options for individuals diagnosed with Alzheimer's disease or related dementias and possible ways to improve long-term care. ***This new law takes effect immediately.***

OKLAHOMA

SB 142

Antipsychotic Medication

Bice

Approved by Governor 5/7/19

This new law sets 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** **Approved by Governor 7/15/19**
This new law 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. *June 10th Passed Senate. June 18th Passed House. This new law takes effect on September 29, 2019.*

SB 917 **Disclosure of Information** **Gelser** **Approved by Governor 6/13/19**
This new law 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. *This new law takes effect on January 1, 2020.*

HB 2600 **Disease Outbreak** **Nathanson** **Approved by Governor 7/23/19**
This new law 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. *June 24th Passed House. June 26th Passed Senate. This new law takes effect on January 1, 2021.*

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**
SB 713 **Santarsiero**
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. *HB 1018 April 5th Referred to Health Committee. SB 713 June 6th Referred to Judiciary Committee.*

HB 1442 **Licensing** **Mentzer** **Legislation Pending**
This bill would amend the Human Services Code in departmental powers and duties as to licensing, providing for waiver of physical site requirements and further providing for regulations and for rules and regulations for personal care home and assisted living residences. *May 13th Referred to Aging and Older Adult Services Committee.*

HB 1848 **Long-Term Care Insurance** **Lewis** **Legislation Pending**
This bill would provide a tax credit in the amount of 30% of the long-term care insurance expenses incurred by a taxpayer during a taxable year. The total amount may not exceed \$20,000 in any fiscal year. *September 23rd Referred to Finance Committee.*

RHODE ISLAND

HB 5141 **Alzheimer's Programs** **McNamara** **Approved by Governor 7/15/19**
SB 302 **Coyne**
This new law will 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 June 13th Passed Senate. HB 5141 June 26th Passed House. This new law takes effect immediately.*

HB 5573
SB 603

Abuse Reporting

Bennett
Coyne

Approved by Governor 7/8/19

This new law expands 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 June 26th Passed House. SB 603 June 13th Passed Senate. **This new law takes effect immediately.***

TEXAS

HB 823

AL License

Davis

Approved by Governor 6/2/19

This new law allows an applicant for an assisted living facility license or for a renewal of a license to obtain an expedited on-site health inspection within 21 days of request. *April 30th Passed House (145-0). May 19th Passed Senate (31-0). **This new law takes effect on September 1, 2019.***

HB 1848

Communicable Diseases

Klick

Approved by Governor 6/10/19

This new law 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. ***This new law takes effect on September 1, 2019.***

HB 3329
SB 1406

Assisted Living

Frank
Buckingham

Approved by Governor 5/29/19

This new law 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 new law 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
SB 1410

Assisted Living Staffing

Rasoul
Mason

Approved by Governor 3/8/19

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

SB 1719

Marijuana

Marsden

Approved by Governor 3/19/19

This new law 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 new law 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
SB 1722

CCRCs

Watts
Barker

Approved by Governor 3/8/19

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

WASHINGTON

HB 1087
SB 5331

Long-term Care Benefit

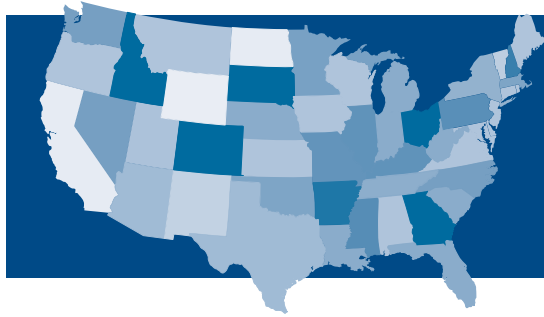
Jenkins
Palumbo

Approved by Governor 5/13/19

This new law 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).*

WAC 296-128-545 Overtime Pay

This proposed regulation would raise the threshold for overtime pay to \$49,000 for companies with more than 50 employees eligible for overtime pay. For companies with fewer than 50 employees the threshold would be \$34,000.



WISCONSIN

AB 614

Alzheimer's Training

Brostoff

Legislation Pending

This legislation would require employees or contractors of community-based residential facilities and residential care apartment complexes who provide care or support services for individuals with Alzheimer's disease or related dementia to have at least six hours of initial training on dementia and at least two hours of advanced training on dementia every two years after initial training. *November 15th Read First Time; Referred to Committee on Aging and Long-Term Care.*

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.