



ASSISTED LIVING

SUMMARY OF STATE STATUTES

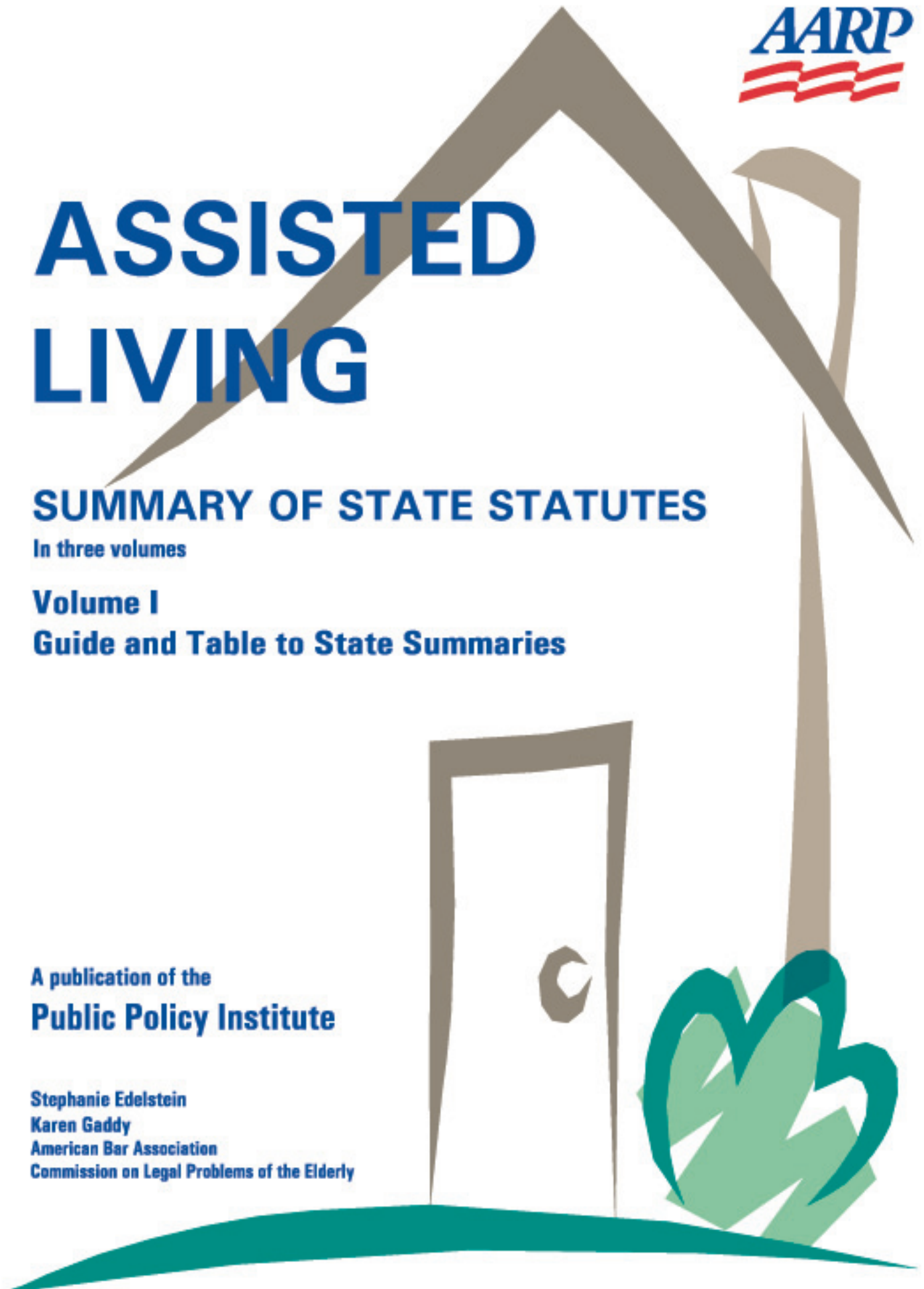
In three volumes

Volume I

Guide and Table to State Summaries

A publication of the
Public Policy Institute

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Karen Gaddy
American Bar Association
Commission on Legal Problems of the Elderly



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TABLE OF CONTENTS

VOLUME I

Foreword	5
Section 1: Guide to State Statutes Table	
Background	7
Methodology	7
Classification/Authority	7
Oversight Agency	8
Philosophy	9
Admission Criteria	9
Resident Participation	10
Resident Bill of Rights	10
Enumerated Rights	10
Methods of Disclosure	11
Transfer and Discharge	12
Reasons	12
Resident Notification	13
Appeal Rights	13
Discharge Planning	14
Contract	14
Disclosures Required	14
Provisions Prohibited	15
Grievance Procedures	15
Private Right of Action	16
Negotiated Risk	17
Data Collection	17
Special Care Environments	18
Section 2: State Statutes Table	
Includes the District of Columbia, Puerto Rico, and the Virgin Islands	19

VOLUME II

Section 3: State Summaries (Alabama - Missouri)
Includes the District of Columbia

VOLUME III

Section 3: State Summaries (Montana - Wyoming)
Includes Puerto Rico and the Virgin Islands

ASSISTED LIVING

SUMMARY OF STATE STATUTES

Volume I
GUIDE AND TABLE OF STATE STATUTES

FOREWORD Assisted living is the fastest growing type of senior housing in the United States. The industry has experienced a fifteen to twenty percent annual growth rate in recent years, with an estimated 600,000 residents living in 25,000 to 30,000 facilities nationwide. States are responsible for oversight, but their regulations vary greatly. There are no uniform federal assisted living standards.

The growth in assisted living has been due, in part, to its emphasis on a homelike atmosphere and individualized care that maximizes independence, privacy, dignity, and autonomy. While attractive to residents and their families, this approach presents many regulatory challenges for state oversight agencies.

Assisted Living: Summary of State Statutes offers an overview of assisted living state statutes and regulations. It also identifies key consumer protection provisions such as 1) admission, transfer, and discharge criteria, 2) resident rights, and 3) grievance procedures. This publication complements material on issues such as staffing requirements and physical plant requirements found in the *Seniors Housing State Regulatory Handbook* published by the American Seniors Housing Association and *Assisted Living Regulations: A State by State Profile* published by the Assisted Living Federation of America. Persons requiring additional detail or clarification on these issues can review the state statutes and regulations. (Citations are provided in this publication.)

Admission, retention, and discharge criteria impact the ability of a facility to allow residents to “age in place.” Some states have limited assisted living residency to those persons who are independent and able to care for most of their own needs, while other states permit assisted living facilities to admit or retain residents who need a full range of services, including skilled nursing care.

Residents’ rights, grievance procedures, contract requirements, and negotiated risk agreements are among the most important state assisted living regulatory provisions. Residents and their families are increasingly demanding individuality and choice, and state regulators are responding to these consumer demands. State regulators also recognize the need to establish and enforce minimum guidelines for the industry. These provisions are intended to protect the independence of individual residents, while allowing the industry to innovate and providing flexibility for facility operators.

For older persons making a traumatic decision to leave their home, the myriad of residential options available to them can be overwhelming. As older consumers sort through these options, they need the assurance that minimum standards are in place to protect their rights and promote quality care. The challenge for policymakers, regulators, and providers is to develop a policy framework that will allow the philosophy of assisted living to become a reality for older persons now and in the future. AARP hopes this publication will contribute to that effort.

Sharon Hermanson, Project Officer
AARP Public Policy Institute

Section 1

ASSISTED LIVING: SUMMARY OF STATE STATUTES

GUIDE TO STATE STATUTES TABLE

GUIDE TO STATE STATUTES TABLE

BACKGROUND States have taken different approaches to the regulation of assisted living. Some states have addressed individual provisions (admission and discharge criteria, for example), and amended existing residential care statutes (board and care, sheltered care, etc.) to address them. Other states have enacted new statutes and/or promulgated new regulations, setting general guidelines that allow providers the freedom to develop their own policies, so long as those policies are disclosed to consumers. Still other states have enacted comprehensive statutory and regulatory schemes for assisted living that clearly define the industry and specify the state's role in protecting assisted living residents.

This table summarizes each state's applicable statutes and regulations, and identifies oversight agencies. It also identifies key provisions including admission and discharge criteria, resident rights and grievance procedures, contract requirements and consumer disclosures, negotiated risk provisions, data collection, and standards for special care units.

METHODOLOGY Information in this table is based on an extensive analysis of each state's statutes and regulations governing assisted living as of May 1999. Other resources examined included *State Assisted Living Policy 1998* (National Academy for State Health Policy, 1998), *Seniors Housing State Regulatory Handbook* (American Seniors Housing Association, 1998), *Assisted Living Regulations: A State by State Profile* (Assisted Living Federation of America, 1999), and *Residence Options for Older or Disabled Clients* (Lawrence A. Frolik, 1999). In states without a specific assisted living category, statutes and regulations selected were those governing facilities nearest in concept to assisted living. The table does not include other laws that may impact assisted living, such as regulatory oversight of personal care or other health and social supports (home health, for example) that may be used by assisted living residents.

1. CLASSIFICATION/ AUTHORITY CLASSIFICATION

What term does the state use for assisted living?

Discussion

While the concept of assisted living is gaining widespread acceptance, and is being used with increasing frequency, the term itself does not always appear in state statutes or regulations, even those that have been recently amended. States may use the terms *Personal Care Facility*, *Long Term Care Facility*, *Residential Care Facility for the Elderly*, or *Residential Care Home* for regulating their residential care systems.

Some states have created assisted living as a new category of residential care program separate from existing programs. Other states have renamed existing programs as assisted living, and created new rules to accompany the change, while other states have simply added the term "assisted living" to their existing statutes and/or regulations, leaving them otherwise unchanged.

AUTHORITY What state statutes and regulations apply to assisted living?

Discussion

Some state statutes are very specific, while other states include only broad parameters in their statutes, saving the details for regulation. Some states have established explicit standards and requirements; other states leave much to the discretion of providers. Some states with recently enacted assisted living laws may not have regulations implementing those laws; other states have regulations that must be obtained directly from the agency. The table includes references to and information gleaned from both statutes and regulations. The term “state law,” as used in this narrative, includes both statutes and regulations.

2. OVERSIGHT AGENCY What state agency provides oversight to assisted living?

Discussion

A few states place responsibility for regulating assisted living among multiple agencies, but generally a single agency has oversight responsibility. The oversight agency is frequently the Department of Health or Department of Social Services, although some states have given the authority to the Department of Aging or the Department of Consumer and Regulatory Affairs. In some states, oversight is conducted by the same agency that oversees nursing homes and other health care providers. In some states, the long-term care ombudsman is authorized to investigate complaints in licensed facilities. In other states, the ombudsman can respond to complaints in both licensed and unlicensed facilities.

Through what mechanism (licensure, certification, registration) does the state authorize and oversee operation of assisted living facilities?

Discussion

States may require assisted living facilities to be licensed, certified, registered, or none of these three.

Some states have created a specific licensure category called “assisted living,” while other states have incorporated the term into the existing structure for licensing residential care facilities (e.g., board and care, adult group homes). State requirements vary as to whether they require facilities to be licensed, certified, or registered with the state. It should be noted that the lack of state licensure for the term “assisted living” as a category may not necessarily prevent a facility from using the term “assisted living.”

States set their own conditions for each category. Licensure generally provides the most state oversight by establishing minimum standards that assisted living facilities are required to meet. Certification may also include minimum standards, but on a voluntary basis. Registration is likely to involve the least oversight, and may, for example, require only that the facility file an application and renewal form. However, it is important to examine what

2. OVERSIGHT AGENCY (CONT.) standards the state actually requires the facility to meet, regardless of the terminology used.

3. PHILOSOPHY Does the state statute or regulation include a statement of philosophy of assisted living? [Yes, None]

Discussion

Assisted living is generally distinguished from traditional board and care and long-term care by its philosophy of “focusing on maximizing residents’ quality of life by structuring care, services, and living environment to preserve and enhance resident independence, privacy, dignity, and autonomy.”* An increasing number of states are incorporating a philosophy of assisted living into their laws, although the precise wording may vary somewhat from state to state.

A statement of philosophy in a statute or regulation does not guarantee that every facility in the state will focus on quality of life or make strong efforts to enhance residents’ independence. However, such a statement may be reflective of a state’s willingness to recognize assisted living’s philosophy and to work with the industry and with consumer groups to implement the philosophy.

4. ADMISSION What conditions preclude admission to assisted living?

CRITERIA

RESTRICTIONS

There are many admission criteria that states have identified as requirements for admission into assisted living. For purposes of the table, these criteria have been categorized into five areas:

- 1) Health/Mental health (chronic health conditions; communicable, contagious, or infectious diseases; alcohol/drug addiction or mental illness; cognitive impairment; medical or nursing care)
- 2) Functional ability (unable to direct self care; incontinent; bedfast)
- 3) Behavioral/Social (danger to self or others; requires physical/chemical restraint or confinement)
- 4) Needs exceed facility licensure
- 5) Other (dietary, religious, or cultural regime; court determined incompetence, for example)

Discussion

Nearly all states have established admission criteria for assisted living residents. These criteria vary widely and have a significant impact upon which residents that assisted living facilities may serve. A few states require only that admission criteria not impose unreasonable restrictions on the individual. A number of states require facilities to assess a

* Assisted Living Quality Coalition, Assisted Living Quality Initiative: Building a Structure that Promotes Quality, August 1998.

RESTRICTIONS (CONT.) prospective resident's health status and needs. States with more than one level of care may use different criteria for each level of care. While most excludable conditions are clear, some criteria ("chronic health conditions," "senility," for example) may be more difficult for the state to define and interpret.

5. RESIDENT PARTICIPATION *Does the state require facilities to establish mechanisms for resident participation in facility operations? [Yes, No]*

Discussion

Family or resident councils can provide persons living in assisted living and their representatives the opportunity to share information, to raise issues of common concern, and to have some role in decisions that affect them. Many facilities have a resident or family council, although such councils are required in only a few states. In states with such a requirement, facilities are required to assist residents in establishing and maintaining the group, but the role of the council, or its decision-making authority, are not specifically defined.

One state (Massachusetts) requires the establishment of a state-level assisted living advisory council that includes consumer representatives and is required to advise the oversight agency of issues relevant to this topic.

6. RESIDENT BILL OF RIGHTS *Does the state law enumerate specific rights for residents of assisted living? What are those rights?*

Discussion

Not all state laws extend certain legal rights to assisted living residents. States that do so may include the rights in statutes or in regulations; these rights may range from a simple statement of the right to privacy, to a comprehensive list of consumer protections designed to promote resident dignity and autonomy. Some states appear to have looked to the federal Nursing Home Reform Act for guidance in this area.*

The various rights enumerated by states generally fall within four categories: 1) freedom, 2) privacy and confidentiality, 3) grievance and notification procedures, and 4) other, as shown in the table.

ENUMERATED RIGHTS Bills of Rights for assisted living residents most commonly address the following issues:

1) Freedom

- freedom of choice (e.g., to choose one's own doctor, to be fully informed about medical care, treatment, and any changes in that treatment; to plan care and treatment

* The Nursing Home Reform Act covers long-term care facilities certified by the federal Health Care Financing Administration to receive Medicare and Medicaid reimbursements. 42 U.S.C. § 1395I-3 (Medicare), 42 U.S.C. § 1396r (Medicaid).

**ENUMERATED RIGHTS
(CONT.)**

decisions; and, implicitly, to refuse treatment)

- freedom from abuse and restraints (e.g., to be free from chemical and physical restraints and from verbal, mental, sexual, or physical abuse)

2) Privacy/Confidentiality

- privacy (e.g., to privacy with respect to accommodations, medical treatment, written and telephone communications, visits, and meetings with family and resident groups)
- confidentiality (e.g., to have all personal and clinical records kept confidential and to have access to current records within 24 hours of making such a request)

3) Grievance

- grievances (e.g., to voice grievances about treatment or care without fear of retaliation and to have the facility make prompt efforts to resolve such grievances)

4) Other

- accommodation of individual needs (e.g., to choose activities, schedules, and healthcare; to interact with other residents and the outside community; to receive notice before being moved to a new room or being assigned a new roommate; to refuse a transfer from within the skilled nursing section to a room not in the skilled nursing section)
- participation in groups and other activities (e.g., to organize and participate in resident groups as well as social, religious, and community activities)
- examination of survey and inspection results (e.g., to examine the most recent official survey results and the associated plan of correction)
- access and visitation (e.g., to state and/or federal government representatives, one's own physician, the state long-term care ombudsman and any other health, social, legal, or other services provider; to telephones from which private calls can be made; to share a room with spouse; to retain and use a reasonable number of personal possessions)
- notification of services included in Medicare or Medicaid payment
- notification of rights, rules, and regulations
- management of personal financial affairs

**METHODS OF
DISCLOSURE**

How are consumers informed of their rights?

States with notice provisions may require facilities to post a copy of the Bill of Rights, incorporate it within the resident's contract, provide a written copy separate from the contract, and/or explain it orally to the resident.

Discussion

Some states also require the resident to acknowledge, in writing, that they have received the Bill of Rights. The facility's requirements to disclose resident rights may depend upon its size, with larger facilities (e.g., seven or more residents) having heightened responsibilities. Two states (Colorado and Florida) require providers to take special steps to communicate the contents if the resident is unable to read the Bill of Rights. (Note: If the resident is unable to read the document as a result of a disability, those extra steps could be considered a reasonable accommodation, required by federal civil rights laws.)

A Bill of Rights that is included in the residence contract, or expressly incorporated into the

**METHODS OF
DISCLOSURE (CONT.)**

contract, is enforceable as a contractual obligation. Posting and oral notification is less likely to be enforceable under contract law, unless it is accompanied by a written confirmation. If the Bill of Rights is contained in a separate document (e.g., a pamphlet or booklet), it is more likely to bind the parties if it is given to the resident before the contract is signed.

7. TRANSFER AND DISCHARGE *Under what circumstances does the state allow a facility to involuntarily discharge an assisted living resident?***REASONS**

As with admission criteria, there are many criteria that states have identified as transfer and discharge criteria for assisted living. For purposes of the table, these criteria have been placed into one of six categories:

- 1) Behavior (resident poses an imminent danger to himself or to others in the facility or has consistently failed to comply with facility policies or rules)
- 2) Health status (chronic health conditions; communicable, contagious, or infectious diseases; alcohol/drug addiction or mental illness; cognitive impairment; the need for medical or nursing care)
- 3) Nonpayment (resident is unable to pay for services provided by the facility)
- 4) Noncompliance (unable to direct self care; incontinent; bedfast)
- 5) Facility ceases to operate
- 6) Other (facility has had its license suspended, revoked, not renewed, or voluntarily surrendered or is closing or will no longer operate as an assisted living facility, for example)

Discussion

Most states limit the conditions that can be treated, or the care that can be provided, in assisted living. Some states have the same criteria for admission as for retention, but in other states, facilities are allowed to retain current residents who develop conditions or needs that would have barred their admission. In states with separate licensure for more than one level of care, residents may be required to move to another facility if their needs cannot be met under the first facility's licensure. (Some states permit waivers of the licensure rules to allow a facility to retain residents with higher needs, within certain guidelines.)

Within the general categories noted above, a number of states provide additional guidance and flexibility. For example, several states require facilities to discharge a resident who is bedridden for a certain period of time (usually 7 to 30 consecutive days), *except* where the resident has an attendant who could assist with evacuating the resident in an emergency. Some states require discharge of a resident who is terminally ill, *except* where the resident is under hospice care and all parties (including the resident's health care provider) agree to the continued residency. State regulations may include a list of services that the facility may not provide (e.g., medication administration, catheter care, IV treatments, colostomy care), but may permit a resident to receive these services under a contract with a licensed outside agency.

It should be noted that facilities may include additional discharge criteria in the resident's

REASONS (CONT.) contract as long as these criteria do not conflict with state law.

RESIDENT NOTIFICATION **Must residents receive adequate notice of an intended discharge? [Number of days] Does the state regulate how the notice is provided, or its contents? [Oral, Written, Posted]**

Discussion

Notice of intent to discharge raises several issues, including the length of the notice, the person(s) to whom it should be given, and the information the notice should contain. Most states require facilities to provide residents with adequate notice of an involuntary discharge. The notice period in most states ranges from 14 to 30 days, depending upon the reason for the decision. Several states permit facilities to provide less notice in emergencies, or if the reason for the discharge is the resident's behavior.

States that require a written notice may or may not specify how that notice is to be given, or to whom. Options for delivery include hand delivery and certified mail, with a copy to the resident's file. Potential recipients, aside from the resident, include the resident's family, guardian, designated responsible person, long-term care ombudsman, and county social services or aging departments.

Few states specify the contents of the notice; requirements include one or more of the following items:

- statement of the reasons for the transfer or discharge
- effective date of the transfer or discharge
- location where the resident is to be moved
- description of the resident's right to appeal (if any), and
- name, address, and telephone number of the state long-term care ombudsman (residents age 60), the state developmental disabilities agency (residents with developmental disabilities), or the state protection and advocacy agency (residents with mental illness).

For example, states may require the "notice to be in a format that is readable and in language that the resident can understand."

APPEAL RIGHTS **Does the state authority give residents the right to challenge a transfer or discharge decision? [Internal, External]**

Discussion

Many states now provide residents with the ability to challenge a facility's decision to transfer or discharge them. Those states that have addressed this issue either require facilities to establish some kind of internal procedure, or allow appeals to an outside agency, usually the licensing agency.

An appeal heard within a facility is likely to consist of an informal meeting with the

**APPEAL RIGHTS
(CONT.)**

administrator or the administrator's designee to discuss the impending action and attempt to resolve the issue. While an informal meeting could be convened promptly, it would not offer a resident the opportunity to have her/his position considered by a neutral party. Moreover, unless a state specifically provides for appeal of the facility's decision to an outside agency, the internal review would not afford the resident any recourse beyond the facility.

An appeal to an outside agency, either as a review of the facility's decision or as an initial appeal, would be more formal and would be heard by an impartial decisionmaker, either a hearing officer or an administrative law judge. An appeal to a state agency might also give a resident who was still dissatisfied the option of appealing to another level within the agency or beyond, to the courts.

In some states, the process for appeals of transfer or discharge decisions may be the same as for general resident grievances. (See item 9. *GRIEVANCE PROCEDURES*.) In at least one state (Massachusetts), assisted living discharges fall within the jurisdiction of state landlord-tenant law. Facilities must follow the procedures specified by that law.

DISCHARGE PLANNING *Are facilities required to develop a plan for the care of residents whom they transfer or discharge? [Yes, No]*

Most states have not established mechanisms for providing care to individuals who are involuntarily discharged from assisted living. Those states that have such mechanisms require facilities to offer relocation assistance or other assistance to help the resident prepare for the move, or to prepare a summary of the resident's current service plan.

States that address discharge planning include criteria such as:

- notification of the resident's family and/or authorized representative;
- medical evaluation;
- evaluation of living arrangements and services that would meet the individual's needs, and assistance in selecting an appropriate placement; and,
- preparation of a packet to ease the resident's transition, including medical records, a summary of the resident's service plan, a list of medications and information on where prescriptions may be renewed, and to the extent permitted by law, at least a three-day supply of medications.

8. CONTRACT *How do states oversee the residence agreement (or contract) between the facility and the consumer?*

DISCLOSURES REQUIRED For the purposes of the table, required contract disclosures have been placed into one of five categories:

- 1) Services and associated charges (a description of services to be provided and their associated charges; services available beyond the basic rate and their associated charges; services not available; refund policy; medication policy; and resident needs assessment)
- 2) Resident rights (a statement of the resident's rights and responsibilities and a

DISCLOSURES REQUIRED
(CONT.)

- description of the facility's complaint or grievance procedure)
- 3) Contract modification (a description of the circumstances under which the contract may change)
- 4) Transfer, discharge, and contract termination (a description of the criteria under which a resident may be transferred or discharged or the contract may be terminated), and
- 5) Other (staff training and qualifications and any other information that may be in the contract, for example)

PROVISIONS PROHIBITED

States may determine that certain provisions are prohibited as part of the contract. For the purposes of the table, such statutory provisions have been placed into one of five categories: 1) Unlawful, 2) Misleading, 3) Waiver of resident rights, 4) Waiver of facility liability, and 5) Other.

Discussion

Assisted living residents and their families are often overwhelmed by the process of moving into assisted living, as well as by the volume of materials, including the contract (admissions agreement or residence agreement), that they are asked to sign. Contracts range from a single page containing limited information, to multi-page documents replete with information that may prove difficult for residents and their families to understand.

No state requires facilities to use a particular document or format, or have contracts approved by the state. Some states do have oversight over the content of the contract, requiring facilities to include certain provisions and/or to make certain disclosures. Some states also require facilities to disclose services that are not available.

9. GRIEVANCE PROCEDURES Are facilities required to establish effective mechanisms for residents to raise complaints or other issues? [Yes (internal only, external), No]

Discussion

More than half of the states have no requirement that assisted living facilities establish procedures by which residents can seek to resolve their complaints and concerns (grievances). In some of these states, law or regulation may give facilities the discretion to establish an informal procedure for addressing resident grievances. These internal grievance procedures are designed to aid in informal resolution of disputes and enhance communication between residents and the provider. They may involve other residents, and they may utilize mediation and other dispute resolution techniques. These grievance procedures do not necessarily include procedural protections.

Some states mandate a system that requires facilities to create an internal grievance procedure that resembles a more formal appeals system, such as:

9. GRIEVANCE PROCEDURES (CONT.)

- giving the resident and/or resident's representative the right to present the grievance in either written or oral format;
- allowing the resident an advocate of the resident's choice;
- permitting a resident's representative, if any, to attend meetings concerning the grievance, and
- requiring that the resident be notified in writing within 30 days after the filing of the grievance, of the facility decision.

Some states require an external grievance procedure. In such states, residents are generally permitted to appeal to a state agency (usually the licensing or oversight agency) if they are dissatisfied with the in-house process or facility decision. Once the issue is in the jurisdiction of a state agency, the process by which it is handled and any further appeals will be governed by the state administrative procedures act.

In line with protections accorded to tenants and to nursing home residents, a number of states prohibit facilities from retaliating against residents who file complaints or grievances against them.

10. PRIVATE RIGHT OF ACTION

Does state law give residents the right to sue an assisted living provider to enforce consumer concerns? [Yes, No]

Discussion

States have a variety of mechanisms available to residents for challenging a facility decision that affects them. As discussed above (see item 9. Grievance Procedures), residents may be able to file a grievance with the state oversight agency, or to communicate with the long-term care ombudsman. Residents have recourse under tort law for personal injuries, or under contract law if the facility violates the residence agreement. Elder abuse issues can often be directed to adult protective services agencies. State and federal consumer protection statutes are often available to question marketing or billing practices, and civil rights laws are tools for alleging discrimination.

Absent specific state authority, consumers cannot sue a facility for failing to follow state laws or regulations (e.g., not meeting state standards, or not honoring resident rights). Private right of action is granted to residents of long-term care facilities in fewer than one half of the states. Eight states specifically extend private right of action to consumers in assisted living, although it could be implied that rules for residents of long-term care apply.

A "Yes" on the chart indicates that the state grants a resident a private right of action under its assisted living statute (or otherwise described statute). States that provide a private right of action only to nursing home residents are not included.

This authority of a private individual to sue a facility for breach of state rules may be granted to the resident, the resident's guardian, or to a person or organization acting on behalf of the resident. Some states require consumers to exhaust their administrative remedies (pursuing a

10. PRIVATE RIGHT OF ACTION (CONT.) complaint through the appropriate state agency) before filing an action in court. Some states permit courts to award only compensatory damages, while other states provide for punitive or liquidated damages. Almost all states that authorize a private right of action also allow a plaintiff to seek injunctive relief. Some states also authorize payment of attorney fees to the prevailing plaintiff.

11. NEGOTIATED RISK Does the state authority promote risk agreements between providers and residents? [Yes, No]

Discussion

The underlying philosophy of assisted living is that it accommodates individual resident needs and preferences while maximizing their dignity, autonomy, independence, and safety. A key component of this approach is involving residents in decisions about their living environment and the care they receive. Several states have encouraged this balance through support for negotiated risk agreements, or risk agreements, which allow individuals to make some choices, and to accept the risks that foreseeably accompany those choices, while remaining within the parameters of a safe and secure environment.

The difficulty is assuring that assisted living residents understand what choices they have, and the consequences of those choices, because the choices may not be clearly definable. Frail elderly consumers may be inclined to accept conditions with more risk out of fear of not being able to remain in the facility. Providers may exercise subtle coercion over a consumer in order to benefit the facility. Surrogates for residents with diminished capacity may make choices that involve a high degree of risk to the resident, or they may choose to avoid any risk, even if that avoidance is contrary to the resident's wishes.

Some states refer to the risk agreement, but few states actually define the terms of the agreement. However, several states require providers to assess residents and to develop a service plan that meets their needs and preferences. Some states also grant residents the right to participate in the development and implementation of the service plan and specifically to refuse recommended services.

A "Yes" on the chart indicates that the state statute specifies the resident's right to accept or reject services, and establishes guidelines for making such decisions.

12. DATA COLLECTION Does the state require facilities to collect and report outcome information in order to evaluate the quality of care provided to assisted living residents? [Yes, No]

Discussion

Researchers have begun to examine the kinds of information beneficial in assessing quality of life in assisted living and guiding the future of the industry. Data that could support such an

12. DATA COLLECTION (CONT.)

assessment include clinical/medical conditions of residents, functional abilities and impairments, social interactions, the services received, from where they are admitted (home, hospital, etc.), the rate at which they are discharged and to where, and other issues.

Fewer than one dozen states require facilities to provide data of any kind on assisted living residents. No state collects all of the information sought by researchers, although Maryland collects information on resident assessments, levels of care, and service plans, and New Jersey collects data on the destination of residents who are discharged.

A “Yes” on the chart indicates that the state collects some data, and has a mechanism in place that might be utilized for the collection of resident outcome information.

13. SPECIAL CARE ENVIRONMENTS

Does state law or regulation include special standards or require certain disclosures for facilities offering care for residents with cognitive impairments? [Yes, No]

Discussion

Assisted living facilities frequently promote themselves as providing special care for residents with Alzheimer’s Disease and other forms of dementia. This care may be in offered in a discrete area within a larger facility, or in a separate facility.

More than two dozen states have established standards for facilities serving residents with Alzheimer’s and other forms of dementia. Some states focus more on the physical plant and staffing; other states provide general guidelines for resident care, coupled with disclosure requirements. In general, states are requiring facilities to meet different standards (e.g. environment, staffing) and to disclose what makes the special care area different from other assisted living areas (e.g., admission/discharge rules, environment, services, and the cost of those services, activities, or staffing).

Section 2

ASSISTED LIVING: SUMMARY OF STATE STATUTES

STATE STATUTES TABLE

**(Includes the District of Columbia,
Puerto Rico, and the Virgin Islands)**

STATE STATUTES TABLE	ALABAMA	ALASKA
1. CLASSIFICATION/ AUTHORITY	Assisted Living Facility (Family, Group or Congregate) AL Code 22-21-20 to 22-21-33 (1998) AL Admin. Code 450-5-4-.01 et seq. (1998)	Assisted Living Home AK Stat. 47.33.005 et seq. (1962-1999) AK Admin. Code tit 7, 75.010 et seq. (Jan 99); tit 2, 42.010 et seq. (Apr 99)
2. OVERSIGHT AGENCY	Licensure, Dept. of Public Health	Licensure, Dept. of Administration/ Dept. of Health & Social Services
3. PHILOSOPHY	None	Yes
4. ADMISSION CRITERIA		None specified (See transfer and discharge criteria)
Restrictions:		
Health/Mental health	Yes	-
Functional ability	Yes	-
Behavioral/Social	Yes	-
Needs exceed facility licensure	No	-
Other	May not be in need of hospital or nursing home care	-
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:	By regulation (none by statute)	By statute
Freedom (of choice, from abuse)	Yes	Both
Privacy/Confidentiality	Both	Privacy
Grievance	Yes	Yes
Other	Groups & activities; Access & visitation; Personal finance	Groups & activities; Access & visitation; Personal finance
Methods of Disclosure:		
Post within facility	Yes	Yes
Within resident's contract	No	No
Provided as separate writing	No	Yes
Oral explanation	No	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	No
Health status	Yes	Yes
Nonpayment	Yes	Yes
Noncompliance	No	Yes
Facility ceases to operate	No	Yes
Other	No	No
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	At least 30 days
Content of notification	Not specified	State regulates content of notice
Relocation assistance	Yes	Yes
Appeal Right(s) (internal, external)	None specified	Yes, only within the facility
Discharge Planning	Yes	Yes
8. CONTRACT		
Disclosures Required:		
Services and associated charges	Yes	Yes
Resident rights	No	Yes
Contract modification	No	No
Transfer, discharge & contract termination	Yes	Yes
Other	Period covered; Refund policy; Signatures of both parties	Amount of advance payments required by facility
Provisions Prohibited:	None specified	None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	Internal (state mandate)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	Yes
12. DATA COLLECTION	Births, deaths, stillbirths, and communicable diseases	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	ARIZONA	ARKANSAS
1. CLASSIFICATION/ AUTHORITY	Assisted Living Facility (Home Center) AS §§ 36-401 to -411 (1998) AARR R9-10-1501 et seq. (Apr 1999)	Residential Care Facility ACA §§ 20-10-101 et seq. (1987-1997) 1999 Ark. Act 1181 Rules of Licensure §§ 100 et seq.
2. OVERSIGHT AGENCY	Licensure, Dept. of Health Services	Licensure, Dept. of Human Services, Office of Long Term Care
3. PHILOSOPHY	None	None
4. ADMISSION CRITERIA		
Restrictions:	Yes	Yes
Health/Mental health	Yes	Yes
Functional ability	Yes	Yes
Behavioral/Social	No	Yes
Needs exceed facility licensure	No	No
Other	No	Yes
5. RESIDENT PARTICIPATION	No	Yes
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Yes	Yes
Privacy/Confidentiality	Both	Yes
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	Yes	No
Within resident's contract	Yes	No
Provided as separate writing	Yes	Yes
Oral explanation	No	Yes
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	Yes	Yes
Noncompliance	Yes	No
Facility ceases to operate	Yes	No
Other	No	Yes
Resident Notification:		
Timing/Distribution	14-30 days (non-emergencies)	No less than 30 days (non-emergencies)
Content of notification	Reasons; Grievance right & procedures	Not specified
Relocation assistance	Obtain home health service or alternative living arrangement	Consult family or resident representative
Appeal Right(s) (internal, external)	Internal	Internal (for discharge)
Discharge Planning	Service summary; Service plan; Relocation assistance	-
8. CONTRACT		
Disclosures Required:		Contract not required
Services and associated charges	Yes	-
Resident rights	Yes	-
Contract modification	Yes	-
Transfer, discharge & contract termination	No	-
Other	Yes	-
Provisions Prohibited:	None specified	-
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	Internal (facility discretion)	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	Actual/punitive damages
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	Yes

STATE STATUTES TABLE	CALIFORNIA	COLORADO
1. CLASSIFICATION/ AUTHORITY	Residential Care Facility for the Elderly CHSC §§ 1569.1 et seq. (1997-1998) 22 CCR §§ 87100 et seq. (1998)	Personal Care Boarding Home CRS §§ 25-27-1-101 to -112 (1998) 6 CR §§ 1011-1 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Social Services	Licensure, Dept. of Health & Environment
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes	Yes
Functional ability	Yes	Yes
Behavioral/Social	No	Yes
Needs exceed facility licensure	No	No
Other	Yes, requires more need than other residents	No
5. RESIDENT PARTICIPATION	Yes, at request of majority of residents	Yes
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Yes	Yes
Privacy/Confidentiality	Privacy (mail)	Privacy
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	Yes	Yes
Within resident's contract	No	Yes
Provided as separate writing	No	Yes
Oral explanation	No	Yes, only if unable to read
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	No	Yes
Noncompliance	No	Yes
Facility ceases to operate	No	No
Other	No	No
Resident Notification:		
Timing/Distribution	Relocation process may not exceed 30 days	30 days (non-emergencies)
Content of notification	Not specified	Not specified
Relocation assistance	Yes, plan required (except emergency)	No
Appeal Right(s) (internal, external)	None specified	None specified
Discharge Planning	Relocation plan (except in immediate relocations)	Not specified
8. CONTRACT		
Disclosures Required:		
Services and associated charges	Yes	Yes
Resident rights	Yes	Yes
Contract modification	Yes	Yes
Transfer, discharge & contract termination	No	Yes
Other	Yes	Yes
Provisions Prohibited:	None specified	None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	Internal (facility discretion)	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

STATE STATUTES TABLE	CONNECTICUT	DELAWARE
1. CLASSIFICATION/ AUTHORITY	Assisted Living Services Agency CGS §§ 19a-490 to -560 (1999) CAR §§ 19-13-D105 et seq.	Assisted Living Agency 16 DC §§ 1101 et seq. (1998) HSSR §§ 63.0 et seq. (1998)
2. OVERSIGHT AGENCY	Licensure, Dept. of Public Health	Licensure, Dept. of Health & Social Services
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA	None specified (See transfer and discharge criteria)	Yes
Restrictions: Health/Mental health		Yes
Functional ability	-	Yes
Behavioral/Social	-	Yes
Needs exceed facility licensure	-	No
Other	-	No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Yes	Yes
Privacy/Confidentiality	Confidentiality	Both
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	No	Yes
Within resident's contract	No	No
Provided as separate writing	Yes, at time of admission	Yes
Oral explanation	Yes, at time of admission	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	Yes, when resources exhausted	Yes
Noncompliance	No	No
Facility ceases to operate	Yes	No
Other	Yes, safety issues	Yes
Resident Notification:		
Timing/Distribution	30 days	30 days (non-emergencies)
Content of notification	Reasons; Right to appeal	Reasons; Right to request hearing
Relocation assistance	Assist in relocating appropriate placement	No
Appeal Right(s) (internal, external)	External (may appeal to state agency)	External (may appeal to state agency)
Discharge Planning	Discharge plan	No
8. CONTRACT		
Disclosures Required:	Contract not required	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	No
Transfer, discharge & contract termination	-	Yes
Other	-	Yes
Provisions Prohibited:		Not specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	External and internal (state mandate)	Internal (facility discretion); External (state mandate)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No, but client can refuse services	Yes (regulation)
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	DISTRICT OF COLUMBIA	FLORIDA
1. CLASSIFICATION/ AUTHORITY	Community Residence Facility DCA §§ 32-1301 to -1462 (1981-1998) 22 D.C. Municipal Reg. 3400 - 3442	Assisted Living Facility 58 FSA §§ 4000.401 et seq. (1998) FACA R58A-5 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Consumer & Regulatory Affairs	Licensure, Agency for Health Care Administration
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA		
Restrictions:	None specified (See transfer and discharge criteria)	Yes
Health/Mental health		Yes
Functional ability	-	Yes
Behavioral/Social	-	Yes
Needs exceed facility licensure	-	Yes
Other	-	Yes
5. RESIDENT PARTICIPATION	No	Yes
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Yes	Yes
Privacy/Confidentiality	Yes	Privacy
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	Yes	Yes
Within resident's contract	No	Yes
Provided as separate writing	Yes	No
Oral explanation	No	Only for residents who cannot read
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	Yes	No
Noncompliance	No	No
Facility ceases to operate	Yes	No
Other	Yes (essential to facility needs)	Yes
Resident Notification:		
Timing/Distribution	21-90 days (non-emergencies)	30 days (non-emergencies)
Content of notification	Reason; Effective date; Right to appeal	Reason
Relocation assistance	Counseling services; DC govt assistance; Ombudsman	No
Appeal Right(s) (internal, external)	External (hearing)	No
Discharge Planning	No	No
8. CONTRACT		
Disclosures Required:	No contract required	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	Yes
Transfer, discharge & contract termination	-	No
Other	-	Yes, refund policy
Provisions Prohibited:		None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	Injunction; Mandamus; Actual/punitive damages	Yes
11. NEGOTIATED RISK	No	Yes (managed risk)
12. DATA COLLECTION	No	Type of facility; Costs; Services; Financial assistance
13. SPECIAL CARE ENVIRONMENTS	No	Yes

STATE STATUTES TABLE	GEORGIA	HAWAII
1. CLASSIFICATION/ AUTHORITY	Personal Care Home GCA 31-7-1 et seq., 31-8-130 to -139 (1992-1998) GCRR 290-5 35.01 to -35.32 (1998)	Assisted Living Facility; Adult Residential Care Home HRSA 321-15.1 to -15.62 et seq. (1988-1998) HAR 11-90=-1 et seq., 1101-1 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure/Registration, Dept. of Human Resources	Licensure, Dept. of Health
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes (continuous medical treatment)	Yes
Functional ability	Yes (bedfast)	No
Behavioral/Social	Yes	No
Needs exceed facility licensure	Yes	No
Other	No	No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		No bill of rights
Freedom (of choice, from abuse)	Yes	-
Privacy/Confidentiality	Both	-
Grievance	No	-
Other	Yes	-
Methods of Disclosure:		
Post within facility	No	-
Within resident's contract	No	-
Provided as separate writing	Yes	-
Oral explanation	No	-
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	No	No
Noncompliance	No	Yes
Facility ceases to operate	No	No
Other	No	No
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	14 days (non-emergencies)
Content of notification	Not specified	Not specified
Relocation assistance	Identify facility	Not specified
Appeal Right(s) (internal, external)	Not specified	No
Discharge Planning	Relocation facility; Copy of resident documentation; *	Not specified
8. CONTRACT		
Disclosures Required:		Contract not required
Services and associated charges	Yes	-
Resident rights	No	-
Contract modification	Yes, 60-day notice	-
Transfer, discharge & contract termination	No	-
Other	Yes	-
Provisions Prohibited:	None specified	
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	Internal and external (state mandate)	No
10. PRIVATE RIGHT OF ACTION	Actual/punitive damages; TR0; Mandamus	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

* Refund security deposit if emergency transfer

STATE STATUTES TABLE	IDAHO	ILLINOIS
1. CLASSIFICATION/ AUTHORITY	Residential Care Facility IC §§ 39-3301 et seq., 39-3501 et seq. (1948-1998) IAC §§ 16.03.22.000 et seq. (1998)	Assisted Living Establishment; Shared Housing Establishment; Sheltered Care Facility 210 IRS § 35/1 et seq., 45/1-101 to /3A-101 (West 1998) 77 IAC §§ 330.110 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Health & Welfare	Licensure, Dept. of Public Health
3. PHILOSOPHY	Yes	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes Yes Yes Yes	Yes Yes Yes Yes Yes
5. RESIDENT PARTICIPATION	Yes	Yes
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Both Both Yes Yes Yes Yes No Yes (at time of admission) Yes (at time of admission)	Both Both Yes Yes Not specified - - - -
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	No Yes Yes No No Yes (protect other residents) 15 days (non-emergencies) Not specified No No No	Yes Yes Yes Yes No No 30 days for non-emergency involuntary transfer; * Reason (transfer or closure); Effective date; Right to appeal Information on alternative placement Hearing (external) Relocation assistance; Termination plan
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No No Yes Not specified - - - -	Yes Yes Yes Yes Yes Not specified - - - -
9. GRIEVANCE PROCEDURE	Internal (state mandate)	Internal and external (state mandate)
10. PRIVATE RIGHT OF ACTION	No	Actual damages; Injunctive; Declaratory relief
11. NEGOTIATED RISK	Yes	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

* 90 days for voluntary closure of all or part of facility

STATE STATUTES TABLE	INDIANA	IOWA
1. CLASSIFICATION/ AUTHORITY	Residential Care Facility IC §§ 16-28-1 et seq. (West 1999) 410 IAC §§ 16-2-5-1 et seq. (1999)	Assisted Living IC §§ 231C.1 et seq. (2000) IAC r 321-27.1 to .13
2. OVERSIGHT AGENCY	Licensure, Dept. of Health	Certification (Voluntary), Dept. of Elder Affairs
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA	No restrictions	
Restrictions:		
Health/Mental health	-	Yes
Functional ability	-	No
Behavioral/Social	-	Yes
Needs exceed facility licensure	-	Yes
Other	-	Yes
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		No bill of rights
Enumerated Rights:		
Freedom (of choice, from abuse)	Both	-
Privacy/Confidentiality	Both	-
Grievance	No	-
Other	Yes	-
Methods of Disclosure:	"Resident advised" prior to admission	-
Post within facility	-	-
Within resident's contract	-	-
Provided as separate writing	-	-
Oral explanation	-	-
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	No	Yes
Health status	Yes	Yes
Nonpayment	Yes	No
Noncompliance	No	No
Facility ceases to operate	Yes	No
Other	Yes, endangerment of individuals	Facility's transfer criteria is met
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	Not specified
Content of notification	Reason; Effective date; Placement location; *	Not specified
Relocation assistance	Placement location	Not specified
Appeal Right(s) (internal, external)	Written request for hearing (external)	Not specified
Discharge Planning	Not specified	Not specified
8. CONTRACT		
Disclosures Required:	Contract not required	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	Yes
Transfer, discharge & contract termination	-	Yes
Other	-	Yes, refund policy
Provisions Prohibited:		None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	Staffing policy; Confidentiality of resident information; **
9. GRIEVANCE PROCEDURE	No	Internal (state mandate)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

* Right to appeal; Contact information for director, ombudsman, and protective and advocacy services

** Emergency response policy

STATE STATUTES TABLE	KANSAS	KENTUCKY
1. CLASSIFICATION/ AUTHORITY	Assisted Living Facility KSA §§ 39-923 to -953b (1999) KAR §§ 2839-155 to -174 (1999)	Assisted Living Residence; Residential Care Home KRSA §§ 216-510 to -593, 216B.010 to .140 (1998) 900 KAR §§ 2.050, 902 § 20:008, :031, :041
2. OVERSIGHT AGENCY	Licensure, Dept. of Health & Environment	Certification, Dept. of Social Services (Voluntary)
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	No No No Yes No	Yes, communicable disease Yes, non-ambulatory No No No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Choice Both Yes Yes No No Yes, before admission Yes, before admission	Both Privacy Yes Yes Yes, conspicuously No No No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes Yes Yes No Yes No 30 days (non-emergencies) Not specified Not specified Not specified	No Yes Yes No Yes No 30 days (non-emergencies) Not specified No Hearing (external) Not specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No No Yes, other resident obligations No No No Yes No	Contract not required - - - - - - - -
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	Actual/punitive damages; Attorney's fees (if prevailing)
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

STATE STATUTES TABLE	LOUISIANA	MAINE
1. CLASSIFICATION/ AUTHORITY	Assisted Living Home/Facility LRSA §§ 2151-2163, 2171-2175 (1998) 48 LAC §§ 7901-7933	Assisted Living Services Program; Also: Residential Care Facility; Congregate Housing Services Program 22 MRSA §§ 7801-8005 (1999) CMR 10-144-113-500 to -5140.3 (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Social Services (Health - Medicaid)	Licensure, Dept. of Human Services
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		No admission restrictions
Restrictions:		
Health/Mental health	No	-
Functional ability	Yes, bedfast	-
Behavioral/Social	Yes	-
Needs exceed facility licensure	Yes	-
Other	No	-
5. RESIDENT PARTICIPATION	No	Yes
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Abuse	Both
Privacy/Confidentiality	Privacy (mail)	Both
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:	Not specified	
Post within facility	-	No
Within resident's contract	-	Yes
Provided as separate writing	-	Yes, within 30 days of admission
Oral explanation	-	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	No	Yes
Health status	Yes, bedfast	No
Nonpayment	No	Yes
Noncompliance	No	Yes (violation of admission contract)
Facility ceases to operate	No	Yes
Other	No	Yes (modification of program's nature required)
Resident Notification:		
Timing/Distribution	No	30 days
Content of notification	No	Reason; Effective date; Appeal right/counsel; *
Relocation assistance	No	Assist in the process; Discharge plan
Appeal Right(s) (internal, external)	Not specified	Administration hearing (state agency)
Discharge Planning	Not specified	Safe and orderly discharge plan
8. CONTRACT		
Disclosures Required:		
Services and associated charges	No	Yes
Resident rights	No	Yes
Contract modification	No	Yes, 60-day notice
Transfer, discharge & contract termination	No	No
Other	Yes	Yes
Provisions Prohibited:	None specified	
Unlawful	-	Yes
Misleading	-	No
Waiver of resident rights	-	No
Waiver of facility liability	-	No
Other	-	Yes, deposit greater than one month's rent
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion); Internal (state mandate)
10. PRIVATE RIGHT OF ACTION	No	Injunctive/declaratory relief
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

* Ombudsman contact information

STATE STATUTES TABLE	MARYLAND	MASSACHUSETTS
1. CLASSIFICATION/ AUTHORITY	Assisted Living Program MCAHG §§ 1-101, 19-1801 et seq. (1978-1998) 10 COMAR § 7.14 (1999)	Assisted Living 19 MGLA § 1-18 (West 1999) 651 MRC § 12
2. OVERSIGHT AGENCY	Licensure, Depts. of Health & Aging, Human Resources	Certification, Executive Office of Elder Affairs
3. PHILOSOPHY	Yes	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes No Yes No Yes, risk for safety complications	Yes No No No No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Both Both Yes Yes Yes, conspicuous location No Yes, upon admission No	Choice Both Yes Yes Yes Yes Yes, in agreement No No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	No Yes (unless waiver is obtained by facility) No No No No No 5 days (non-emergencies) Not specified Yes (discharges and emergencies) No None specified	No No Yes Yes No Yes, other just causes Not specified - - - No Not specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No Yes Yes None specified - - - -	Yes Yes No No Yes None specified - - - -
9. GRIEVANCE PROCEDURE	Internal (facility discretion); External (state mandate)	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	Implied based on landlord tenant law
11. NEGOTIATED RISK	No	Yes
12. DATA COLLECTION	Service plan; Resident levels of care; Waivers	Yes
13. SPECIAL CARE ENVIRONMENTS	Yes	No

STATE STATUTES TABLE	MICHIGAN	MINNESOTA
1. CLASSIFICATION/ AUTHORITY	Adult Foster Care Facility; Homes for the Aged MCLA §§ 400.701 et seq. (1999) MAC §§ 400.1401 - .2567 (1999)	Boarding Care Home; Housing with Services Establishment MSA §§ 144D.01 et seq. (West 1998) MR §§ 4655.0090-.9900 (West 1999)
2. OVERSIGHT AGENCY	Licensure/Certification, Executive Office of Elder Affairs	Licensure/Registration, Dept. of Health
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes	Yes
Functional ability	Yes	No
Behavioral/Social	Yes	No
Needs exceed facility licensure	No	No
Other	Yes	Yes
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Choice	Both
Privacy/Confidentiality	Both	Both
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	No	No
Within resident's contract	No	No
Provided as separate writing	Yes	No
Oral explanation	No	Yes
7. TRANSFER & DISCHARGE		
Reasons:		None specified
Behavior	Yes	-
Health status	Yes	-
Nonpayment	No	-
Noncompliance	No	-
Facility ceases to operate	No	-
Other	Yes	-
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	7-30 days
Content of notification	Yes	No
Relocation assistance	Yes	No
Appeal Right(s) (internal, external)	Internal (may appeal within the facility)	May appeal within the facility
Discharge Planning	None specified	None specified
8. CONTRACT		
Disclosures Required:		
Services and associated charges	Yes	Yes
Resident rights	Yes	No
Contract modification	No	Yes
Transfer, discharge & contract termination	Yes	Yes
Other	Yes	Yes
Provisions Prohibited:	None specified	None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	Internal (state mandate)	Internal (state mandate)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	Yes, New admissions and discharges	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	MISSISSIPPI	MISSOURI
1. CLASSIFICATION/ AUTHORITY	Personal Care Home MCA §§ 43-11.1 to -27 (West 1999) MR §§ 1201.1 et seq.	Residential Care Facility VAMS §§ 198.003-.186 (West 1999) 13 MCR §§ 15-15.012 to .052 (1991); 15-18.010 to .020 (1995)
2. OVERSIGHT AGENCY	Licensure, Dept. of Health	Licensure, Dept. of Social Services
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes Yes Yes Yes, persons without a regular diet	Yes Yes, unable to negotiate normal path to safety No Yes No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	No bill of rights - - - - - - - - -	Both Both Yes Yes Yes, conspicuous location No Yes, prior to or at admission No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	No Yes No No No No None specified - - - None specified None specified	No Yes, medical reasons Yes No No No 30 days (non-emergencies) Not specified None specified None specified None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Contract not required - - - - - - - - -	Contract not required - - - - - - - - -
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion); Internal, external (state mandate)
10. PRIVATE RIGHT OF ACTION	No	Actual/punitive damages; Attorney's fees
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	Yes

STATE STATUTES TABLE	MONTANA	NEBRASKA
1. CLASSIFICATION/ AUTHORITY	Personal Care Facility MCA §§ 50-5-101 to -1107 (1993) MAR §§ 16.32.902 to .922 (1995)	Assisted Living Facility NRS §§ 71-20,115 to 71-20,117 (1998) NARR §§ 175-4.01 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Public Health & Human Services	Licensure, Dept. of Health & Human Services
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes	Yes, complex nursing interventions
Functional ability	Yes	No
Behavioral/Social	Yes	No
Needs exceed facility licensure	No	No
Other	No	Yes
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Both	Both
Privacy/Confidentiality	Privacy	Both
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		
Post within facility	Yes, conspicuous, easily read	No
Within resident's contract	No	No
Provided as separate writing	Yes, at time of admission	Yes
Oral explanation	No	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	No	No
Health status	Yes	Yes, condition is not stable
Nonpayment	No	No
Noncompliance	No	No
Facility ceases to operate	No	No
Other	No	No
Resident Notification:		Not specified
Timing/Distribution	21 days (non-emergencies)	-
Content of notification	No	-
Relocation assistance	No	-
Appeal Right(s) (internal, external)	External (within 15 days of notification)	Not specified
Discharge Planning	None specified	Not specified
8. CONTRACT		
Disclosures Required:	Contract not required	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	No
Transfer, discharge & contract termination	-	No
Other	-	Yes, terms of continued residency
Provisions Prohibited:		None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	Internal (facility discretion)	No
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	Yes

STATE STATUTES TABLE	NEVADA	NEW HAMPSHIRE
1. CLASSIFICATION/ AUTHORITY	Residential Facility for Group NRS §§ 449.700 - .730 NAC §§ 449.156 - .276	Supported Residential Care Facility NRSA §§ 151:1 et seq. (1995) NCAR He-P §§ 805.1 et seq.
2. OVERSIGHT AGENCY	Licensure/Certification, Dept. of Human Services	Licensure, Dept. of Health & Human Services
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes Yes No Yes	Yes Yes No Yes No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Both Privacy No Yes Shall inform resident upon admission - - - -	Both Both Yes Yes Yes, public place No Yes, before or at admission (non-emergency) Yes, before or at admission (non-emergency)
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes Yes Yes, 5 days after due date Yes No No Written notice Not specified Not specified No None specified None specified	No Yes Yes Yes Yes Yes, welfare of patients or others 30 days (non-emergencies) Reason; Effective date; Appeal rights No May appeal to Superior Court None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No No Yes, refund policy None specified - - - -	Yes Yes, facility rules for residents No Yes Yes, bed-hold policy None specified - - - -
9. GRIEVANCE PROCEDURE	Internal (facility discretion, state mandate)	External (state mandate)
10. PRIVATE RIGHT OF ACTION	No	Equitable relief
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

STATE STATUTES TABLE	NEW JERSEY	NEW MEXICO
1. CLASSIFICATION/ AUTHORITY	Residential Health Care Facility 30 NSA §§ 11A-1 to -14 (West 1999) 8 NAC §§ 43-1.1 to -2.2 (West 1999)	Adult Residential Care Facility NSA §§ 24-1-1 to -24 7 NCA § 8:2 (not available)
2. OVERSIGHT AGENCY	Licensure/Certification, Dept. of Health & Senior Services	Licensure, Dept. of Health & Environment
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		No admission restrictions
Restrictions:		
Health/Mental health	Yes	-
Functional ability	Yes	-
Behavioral/Social	No	-
Needs exceed facility licensure	Yes	-
Other	No	-
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		Included in regulations, but not available
Enumerated Rights:		
Freedom (of choice, from abuse)	Both	-
Privacy/Confidentiality	Both	-
Grievance	Yes	-
Other	Yes	-
Methods of Disclosure:		(not available)
Post within facility	Yes	-
Within resident's contract	No	-
Provided as separate writing	Yes	-
Oral explanation	No	-
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	No
Health status	Yes	Yes, continuing nursing care
Nonpayment	Yes	No
Noncompliance	Yes	No
Facility ceases to operate	No	No
Other	Yes	No
Resident Notification:		Not specified
Timing/Distribution	30 days (non-emergencies)	-
Content of notification	Not specified	-
Relocation assistance	None specified	-
Appeal Right(s) (internal, external)	May appeal within facility or to outside agency	No
Discharge Planning	None specified	None specified
8. CONTRACT		Contract not required
Disclosures Required:		
Services and associated charges	Yes	-
Resident rights	Yes	-
Contract modification	No	-
Transfer, discharge & contract termination	Yes	-
Other	Yes, criteria for admission and business hours	-
Provisions Prohibited:	None specified	
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	Damages or other relief	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	Admissions; Discharges; Facility characteristics	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

STATE STATUTES TABLE	NEW YORK	NORTH CAROLINA
1. CLASSIFICATION/ AUTHORITY	Residential Programs for Adults NYSS §§ 2, 460 - 462-b 18 NYCRR §§ 485 - 495	Assisted Living Residence NCGS §§ 131D-2 to -4.3, 131D-19 to -34 (1994-1999) 10 NCAC §§ 42B.0901 et seq., 42C.0800 et seq. (1998)
2. OVERSIGHT AGENCY	Certification, Dept. of Social Services	Licensure, Dept. of Human Services/Facility Services
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes Yes Yes Yes	Yes No Yes No Yes
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	No Both Yes Yes Yes, conspicuously No Yes, at admission No	From Abuse Both Yes Yes Yes, conspicuously Yes, as part of admissions Yes, upon admission No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes Yes Yes No Yes Yes 30 days Reason; Effective date; Appeal rights Free legal services and community resources May appeal to outside agency (facility multinitiative) None specified	Yes Yes No No Yes Yes 14 days (non-emergencies); 30 days (facility closure) Not specified None specified None specified None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	None specified - - - - - - - - -	Contract not required - - - - -
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	For breach of implied warranty of habitability	Injunctive relief
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	Statistical; Financial; Other	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	NORTH DAKOTA	OHIO
1. CLASSIFICATION/ AUTHORITY	Basic Care Facility NDCC §§ 23-09.3-01 et seq. NDAC § 33-03-24.1 (not published)	Adult Care Facility ORCA §§ 3721.01 et seq. OAC §§ 3701-20-01 et seq.
2. OVERSIGHT AGENCY	Licensure, Dept. of Health	Licensure, Dept. of Health
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	No	Yes
Functional ability	Yes, incapable of evacuation	No
Behavioral/Social	Yes, physical or chemical restraints	No
Needs exceed facility licensure	Yes	No
Other	No	No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Choice	Both
Privacy/Confidentiality	No	Both
Grievance	No	Yes
Other	No	Yes
Methods of Disclosure:	None specified	
Post within facility	-	Yes, prominently
Within resident's contract	-	No
Provided as separate writing	-	Yes, explained at admission
Oral explanation	-	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	No	Yes
Health status	Yes, incapable of evacuation	Yes
Nonpayment	No	Yes, 30 days after due date
Noncompliance	No	No
Facility ceases to operate	No	Yes
Other	No	No
Resident Notification:	None specified	
Timing/Distribution	-	30 days (non-emergencies)
Content of notification	-	Not specified
Relocation assistance	-	None specified
Appeal Right(s) (internal, external)	None specified	May appeal to Director of Health
Discharge Planning	None specified	None specified
8. CONTRACT		
Disclosures Required:	Contract not required	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	Yes
Transfer, discharge & contract termination	-	No
Other	-	Yes, refunds
Provisions Prohibited:		None specified
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	No	Yes
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	OKLAHOMA	OREGON
1. CLASSIFICATION/ AUTHORITY	Assisted Living Center 63 OS §§ 1-890 et seq. (1998) 310 OAR §§ 663-1-1 et seq. (1998)	Assisted Living Facility ORS §§ 443.400 - .640, .880 - .991 OAR §§ 411-56-000 to -0090 (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Health	Licensure, Dept. of Human Resources
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	No No Yes Yes Yes, can't meet resident's need for dignity and privacy	Yes No No Yes No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Both Privacy Yes Yes Yes Yes No No Yes Yes	Both Both Yes Yes No No Yes No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes, threat to self or others Yes No No No No 10 days (non-emergencies) Not specified None specified None specified None specified	Yes Yes Yes No Yes No 14 days (emergencies); 30 days (non-emergencies) Decision approved None specified Informal conference (internal) and formal hearing (external) None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No Yes Yes None specified - - - -	Yes Yes Yes Yes Yes Yes Yes No Yes Yes No
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	Yes	Yes
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

STATE STATUTES TABLE	PENNSYLVANIA	PUERTO RICO
1. CLASSIFICATION/ AUTHORITY	Personal Care Home 62 PCS § 211 (1998) 55 PC §§ 2620.1 et seq. (1999)	Substitute Home 8 PRLA §§ 351 - 365 Regulation not published
2. OVERSIGHT AGENCY	Licensure, Dept. of Public Welfare	Licensure, Dept. of the Family
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA		No admissions restrictions
Restrictions:		
Health/Mental health	Yes, need long-term care services	-
Functional ability	No	-
Behavioral/Social	No	-
Needs exceed facility licensure	Yes	-
Other	No	-
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Abuse	Choice
Privacy/Confidentiality	Privacy	No
Grievance	Yes	No
Other	Yes	No
Methods of Disclosure:		Not specified
Post within facility	Yes, conspicuous place	-
Within resident's contract	Yes	-
Provided as separate writing	No	-
Oral explanation	Yes	-
7. TRANSFER & DISCHARGE		
Reasons:		Not specified
Behavior	No	-
Health status	Yes	-
Nonpayment	No	-
Noncompliance	No	-
Facility ceases to operate	Yes	-
Other	No	-
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	-
Content of notification	Reason	-
Relocation assistance	State provided for voluntary transfers	-
Appeal Right(s) (internal, external)	No	-
Discharge Planning	None specified	-
8. CONTRACT		
Disclosures Required:		Contract not required
Services and associated charges	Yes	-
Resident rights	Yes	-
Contract modification	Yes	-
Transfer, discharge & contract termination	Yes	-
Other	Yes	-
Provisions Prohibited:	None specified	
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No (list of licensed homes)
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	RHODE ISLAND	SOUTH CAROLINA
1. CLASSIFICATION/ AUTHORITY	Residential Care & Assisted Living Facility RIGL §§ 23-17.4-1 et seq. RIR §§ 23.17.4-SCF et seq. (not published)	Community Residential Care Facility SCCA §§ 44-7-110 et seq., 41-81-10 et seq. (1998) SCCR §§ 61-84 (1998)
2. OVERSIGHT AGENCY	Licensure, Dept. of Health	Licensure, Dept. of Health & Environmental Control
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes No Yes No	Yes No No Yes No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Choice Both Yes Yes Yes, conspicuous place No Yes, upon admission No	Both Both No Yes Yes Yes No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes, welfare of self or other residents No Yes No No No "Reasonable notice" Reason; Alternatives to action None specified None specified	No Yes Yes No No Yes 30 days (non-emergencies) No No No None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Contract not required - - - - - - - - -	Contract not required - - - - - - - - -
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	Health status information	Admission and discharge dates
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

STATE STATUTES TABLE	SOUTH DAKOTA	TENNESSEE
1. CLASSIFICATION/ AUTHORITY	Assisted Living Center SDCL §§ 34-12-1 et seq. SDAR §§ 44:04:01 et seq.	Assisted-Care Living Facility TCA §§ 68-11-201 to -253 TAC §§ 1200-8-9.01 to .13 (1999)
2. OVERSIGHT AGENCY	Licensure/Registration, Dept. of Health, Social Sciences	Licensure, Dept. of Health
3. PHILOSOPHY	No	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes	Yes
Functional ability	No	Yes, unable to communicate needs
Behavioral/Social	No	Yes
Needs exceed facility licensure	Yes	Yes
Other	No	No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:		
Freedom (of choice, from abuse)	Both	Both
Privacy/Confidentiality	Both	Both
Grievance	Yes	Yes
Other	Yes	Yes
Methods of Disclosure:		Not specified
Post within facility	No	-
Within resident's contract	No	-
Provided as separate writing	Yes	-
Oral explanation	Yes	-
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes	Yes
Health status	Yes	Yes
Nonpayment	Yes	No
Noncompliance	No	No
Facility ceases to operate	Yes	No
Other	No	No
Resident Notification:		
Timing/Distribution	30 days (non-emergencies)	30 days (non-emergencies)
Content of notification	Reason; Effective date; Placement location	Not specified
Relocation assistance	Placement	None specified
Appeal Right(s) (internal, external)	May appeal within facility or to outside agency	None specified
Discharge Planning	Relocation assistance	None specified
8. CONTRACT		
Disclosures Required:		
Services and associated charges	Yes	No
Resident rights	No	No
Contract modification	No	No
Transfer, discharge & contract termination	No	Yes
Other	Yes	No
Provisions Prohibited:	None specified	
Unlawful	-	No
Misleading	-	No
Waiver of resident rights	-	No
Waiver of facility liability	-	No
Other	-	Violates resident's rights
9. GRIEVANCE PROCEDURE	Internal (facility discretion); Internal (state mandate)	No
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	Deaths from other than natural causes	No
13. SPECIAL CARE ENVIRONMENTS	Yes	Yes

STATE STATUTES TABLE	TEXAS	UTAH
1. CLASSIFICATION/ AUTHORITY	Personal Care Facility THSCA §§ 274.001 et seq. (1997) 40 TAC §§ 92.2 et seq. 46.1 et seq. (1998)	Assisted Living Facility UCA §§ 26-21-1 et seq. (1953-1998) UAR §§ 432-270-1 et seq. (1999)
2. OVERSIGHT AGENCY	Licensure, Dept. of Human Services	Licensure, Dept. of Health
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes No No Yes No	Yes Yes Yes No No
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Both Both Yes Yes Yes, prominent place No Yes, consumer guide No	Both Both Yes Yes Yes, public area No Yes No
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes Yes No No No Yes, just cause 30 days (non-emergencies) Not specified No No None specified	No Yes Yes Yes Yes No 30 days (non-emergencies) Reason; Effective date; Placement location Placement; Describe resident's rights May appeal within facility or to outside agency None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Yes No No No No None specified - - - - -	Yes No No Yes Yes None specified - - - - -
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	Yes	No

STATE STATUTES TABLE	VERMONT	VIRGINIA
1. CLASSIFICATION/ AUTHORITY	Assisted Living Residence 33 VSA §e 7101 et seq. Regulation not published	Adult Care Residence VCA §§ 63.1-172 to -182.1 22 VAC §§ 40-71-10 to -700
2. OVERSIGHT AGENCY	Licensure, Dept. of Aging & Disabilities	Licensure, Dept. of Social Services
3. PHILOSOPHY	Yes	No
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	No	Yes
Functional ability	No	Yes, requiring maximum physical assistance
Behavioral/Social	Yes	Yes, immediate physical threat
Needs exceed facility licensure	No	Yes
Other	No	Yes
5. RESIDENT PARTICIPATION	No	Yes
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:	Not specified in statute	
Freedom (of choice, from abuse)	-	Both
Privacy/Confidentiality	-	Both
Grievance	-	Yes
Other	-	Yes
Methods of Disclosure:		
Post within facility	-	Yes, easily accessible
Within resident's contract	-	No
Provided as separate writing	-	No
Oral explanation	-	No
7. TRANSFER & DISCHARGE		
Reasons:		
Behavior	Yes, immediate threat	Yes, imminent physical threat
Health status	Yes	Yes
Nonpayment	No	Yes
Noncompliance	No	No
Facility ceases to operate	No	No
Other	No	Yes
Resident Notification:	None specified	
Timing/Distribution	-	14 days (non-emergencies)
Content of notification	-	Reason
Relocation assistance	-	Reasonable assistance to ensure orderly move
Appeal Right(s) (internal, external)	-	None specified
Discharge Planning	-	Yes, help resident prepare
8. CONTRACT		
Disclosures Required:	Contract not required	Contract not required
Services and associated charges	-	-
Resident rights	-	-
Contract modification	-	-
Transfer, discharge & contract termination	-	-
Other	-	-
Provisions Prohibited:		
Unlawful	-	-
Misleading	-	-
Waiver of resident rights	-	-
Waiver of facility liability	-	-
Other	-	-
9. GRIEVANCE PROCEDURE	No	No
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	Yes

STATE STATUTES TABLE	VIRGIN ISLANDS	WASHINGTON
1. CLASSIFICATION/ AUTHORITY	None specified -	Boarding Home WRCA §§ 70.129.000 et seq. WAC §§ 246-316-001 et seq.
2. OVERSIGHT AGENCY	-	Licensure, Dept. of Health
3. PHILOSOPHY	-	Yes
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	- - - - - -	Yes No Yes Yes No
5. RESIDENT PARTICIPATION	-	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	- - - - - - - - - - - -	No Both Yes Yes No No Yes, receipt acknowledged in writing Yes
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	- - - - - - - - - - - - - - -	Yes, overt acts of harm Yes No No No Yes "promptly notify" Reasonable effort to contact family None specified None specified None specified
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	- - - - - - - - - - -	Contract not required - - - - - - - - -
9. GRIEVANCE PROCEDURE	-	Internal (facility discretion); External (state mandate)
10. PRIVATE RIGHT OF ACTION	-	No
11. NEGOTIATED RISK	-	No
12. DATA COLLECTION	-	No
13. SPECIAL CARE ENVIRONMENTS	-	No

STATE STATUTES TABLE	WEST VIRGINIA	WISCONSIN
1. CLASSIFICATION/ AUTHORITY	Personal Care Home; Residential Board & Care Home; Residential Care Community WVC §§ 16-5D et seq. WVAC §§ 64-14-1 to -10 (not published)	Community-based Residential Facility WSA §§ 46.03.50.01 et seq. WAC HFS § 83
2. OVERSIGHT AGENCY	Licensure, Dept. of Health & Human Services	Licensure, Dept. of Health & Human Services
3. PHILOSOPHY	No	Yes
4. ADMISSION CRITERIA		
Restrictions:		
Health/Mental health	Yes	Yes
Functional ability	Yes	Yes
Behavioral/Social	Yes	Yes
Needs exceed facility licensure	Yes	No
Other	No	Yes
5. RESIDENT PARTICIPATION	No	No
6. RESIDENT BILL OF RIGHTS		
Enumerated Rights:	Not specified in statute	
Freedom (of choice, from abuse)	-	Both
Privacy/Confidentiality	-	Both
Grievance	-	Yes
Other	-	Yes
Methods of Disclosure:		
Post within facility	-	Yes, prominent place
Within resident's contract	-	Yes
Provided as separate writing	-	Yes, provide copies before signing
Oral explanation	-	Yes, at time of admission
7. TRANSFER & DISCHARGE		
Reasons:	Not specified in statute	
Behavior	-	Yes
Health status	-	Yes
Nonpayment	-	Yes
Noncompliance	-	Yes
Facility ceases to operate	-	Yes
Other	-	Yes
Resident Notification:	Not specified in statute	
Timing/Distribution	-	30 days
Content of notification	-	Reasons; Possible alternatives
Relocation assistance	-	Yes
Appeal Right(s) (internal, external)	Not specified in statute	Hearing (external)
Discharge Planning	Not specified in statute	None specified
8. CONTRACT		
Disclosures Required:	Not required by statute	
Services and associated charges	-	Yes
Resident rights	-	Yes
Contract modification	-	No
Transfer, discharge & contract termination	-	Yes
Other	-	Yes
Provisions Prohibited:	None specified	
Unlawful	-	Yes
Misleading	-	Yes
Waiver of resident rights	-	Yes
Waiver of facility liability	-	Yes
Other	-	No
9. GRIEVANCE PROCEDURE	No	Internal (facility discretion); External (state mandate)
10. PRIVATE RIGHT OF ACTION	No	No
11. NEGOTIATED RISK	No	No
12. DATA COLLECTION	No	No
13. SPECIAL CARE ENVIRONMENTS	No	No

STATE STATUTES TABLE	WYOMING
1. CLASSIFICATION/ AUTHORITY	Assisted Living Facility WS §§ 35-2-901 to -910 Reg. For Licensure (1994)
2. OVERSIGHT AGENCY	Licensure, Dept. of Health & Social Services
3. PHILOSOPHY	No
4. ADMISSION CRITERIA Restrictions: Health/Mental health Functional ability Behavioral/Social Needs exceed facility licensure Other	Yes Yes Yes No Yes
5. RESIDENT PARTICIPATION	No
6. RESIDENT BILL OF RIGHTS Enumerated Rights: Freedom (of choice, from abuse) Privacy/Confidentiality Grievance Other Methods of Disclosure: Post within facility Within resident's contract Provided as separate writing Oral explanation	Abuse Privacy Yes Yes Yes Yes Yes No Yes No (explained if not read)
7. TRANSFER & DISCHARGE Reasons: Behavior Health status Nonpayment Noncompliance Facility ceases to operate Other Resident Notification: Timing/Distribution Content of notification Relocation assistance Appeal Right(s) (internal, external) Discharge Planning	Yes Yes Yes Yes Yes No 14 days (non-emergencies) Reason; Effective date; Placement; * Sufficient preparation and orientation May appeal within facility Assistance plan; Relocation assistance
8. CONTRACT Disclosures Required: Services and associated charges Resident rights Contract modification Transfer, discharge & contract termination Other Provisions Prohibited: Unlawful Misleading Waiver of resident rights Waiver of facility liability Other	Contract not required - - - - - - - - -
9. GRIEVANCE PROCEDURE	No
10. PRIVATE RIGHT OF ACTION	No
11. NEGOTIATED RISK	No
12. DATA COLLECTION	No
13. SPECIAL CARE ENVIRONMENTS	No

* Ombudsman information