

HCS HB 671 -- ASSISTED LIVING FACILITIES

SPONSOR: Cooper, 155 (Sutherland)

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 10 to 0.

This substitute changes the laws regarding assisted living facilities. The term "residential care facility I" as it applies to long-term care provided to the elderly and disabled is changed to "assisted living facility I," and "residential care facility II" is changed to "assisted living facility II." The substitute:

(1) Defines "assisted living facility I" as a state licensed facility that provides 24-hour care and protective oversight with shelter and board to three or more residents. This care may include the administration of medication during a short-term illness or recuperation;

(2) Defines "assisted living facility II" as having the same requirements as an assisted living facility I but which also provides assistance to the residents with daily-living activities and instrumental activities of daily living;

(3) Defines the terms "dementia," "appropriately trained individual," "community based assessment," "shared responsibility agreement," "social model of care," "activities of daily living," and "instrumental activities of daily living";

(4) Requires assisted living facilities I and II to provide 24-hour staff in the appropriate numbers and with adequate skill to care for the needs of the residents and to have an evacuation plan for residents in case of a disaster;

(5) Requires a resident assessment by an appropriately trained professional upon admission, at least annually, and whenever a resident's condition has required a change;

(6) Prohibits a facility from accepting an individual who is a danger to self or others, has a risk of elopement, requires physical or chemical restraint, requires more than one person to simultaneously assist in daily activities, or is bed-bound;

(7) Requires a facility to take the necessary precautions to ensure those individuals with a physical, cognitive, or other impairment can be safely evacuated during an emergency;

(8) Requires assisted living facilities I and assisted living facilities II to disclose the services they are able to provide and the conditions that will require discharge or transfer to a

prospective resident or the legal representative of the resident;
and

(9) Requires the Department of Health and Senior Services to develop rules to ensure compliance with the substitute.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown, greater than \$100,000 in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill will help alleviate the confusion of consumers about the different types of long-term care facilities available to the public. It also requires assisted living facilities to implement a social model of care, which focuses on keeping people in the least restrictive environment possible and includes care plans for individuals focused on the individual's needs. The social model of care is especially appropriate for dementia patients. The bill will allow the provider to conduct an assessment of a resident and determine what the resident's needs are and how the facility can meet those needs.

Testifying for the bill were Representative Sutherland; Missouri Coalition of Alzheimers' Association Chapters; Mary LePage; Dolan Residential Care; Missouri Association of Homes for the Aging; Lutheran Senior Services; and Office of the Lieutenant Governor.

OPPOSERS: Those who oppose the bill say that it goes beyond changing the name "residential care facility" to "assisted living facility." There aren't any limits on the care that an assisted living facility can provide, as long as it agrees to provide the care. The bill will increase staffing requirements, which will exacerbate the current staffing shortage. The change of the name to "assisted living facility" should also include what the change means for residents.

Testifying against the bill were Missouri Healthcare Association; and AARP.

Amy Woods, Senior Legislative Analyst