

## EXECUTIVE OFFICE OF ELDER AFFAIRS

Assisted Living Certification Unit

[www.mass.gov/elder](http://www.mass.gov/elder)

### MEMORANDUM

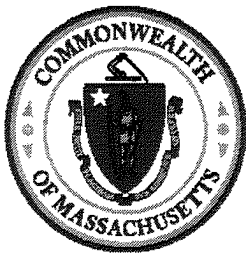
To: Assisted Living Residence Providers  
From: Assisted Living Certification and Compliance Unit  
Date: December 20, 2018  
RE: **Residency Agreement Cover Sheet**

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In accordance with a 651CMR 12.08(4), effective January 1, 2019 all Residency Agreements between the Assisted Living Residence (ALR) and a resident will be required to include a signed and initialed copy of the attached coversheet. The purpose of implementing the use of the form is to make known the elements of Residency Agreements that are most often overlooked when moving into an Assisted Living Residence (ALR). By highlighting those specific areas with the consumer prior to signing a Residency Agreement, it is expected that the number of misunderstandings associated with services and costs will be reduced.

Requirements to comply with the disclosure requirement include the following:

- The Resident or Legal Representative should acknowledge their review of the information listed by initialing each of the three section headers and checking each statement within
- The Resident or Legal Representative and the ALR witness must sign and date the form after it's been reviewed and all inquiries have been clarified.
- A signed copy of the form must be maintained in the Resident Record with a copy provided to the Resident or Legal Representative.



# EXECUTIVE OFFICE OF ELDER AFFAIRS

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Assisted Living Residence (ALR): \_\_\_\_\_

## **Residency Agreement Cover Sheet:** (651 CMR 12.08(4))

Initialing the box next to each section header confirms that the Resident or legal representative has read each statement listed on this form and has been given the opportunity to ask questions.

**CARE:**

- \_\_\_ An Assisted Living Residence (ALR) is not a nursing home.
- \_\_\_ Nurses are not required to be on duty and in the building 24 hours per day/7 days per week. Inquire with the ALR how often and when nurses are in the building.
- \_\_\_ Resident's cannot receive skilled nursing care from ALR employees.
- \_\_\_ You may be required to provide and pay for additional private care if the ALR determines that your care needs exceed the level of care available at the ALR.

**RESIDENCY:**

- \_\_\_ A signed residency agreement is a contract between you and the ALR; read it carefully before signing. **Note:** If additional services are subsequently required, your monthly costs may increase.
- \_\_\_ Eviction from an ALR must comply with the provisions of landlord/tenant law, M.G.L. c. 186 or c. 239, and include all notices required by law.
- \_\_\_ The ALR cannot prevent you from returning to the ALR after a hospital or rehab stay; however, if your care needs exceed the ALR's capacity for services you may be required to hire private care staff to meet your care needs.
- \_\_\_ Your resident agreement may allow the ALR to terminate your residency if it determines that you are no longer suitable to live there; if this is the case, the Residence must provide a \_\_\_ day notice prior to requiring you to leave.
- \_\_\_ Signing a residency agreement that includes an arbitration clause or signing a separate arbitration agreement may prohibit use of the court system to resolve disputes and instead require you to present your case to an mediator.

**COST:**

- You should assess your finances to determine how long you can afford to stay at the ALR before making a commitment.
- If you deplete your assets (run out of money) and are unable to afford the cost of the ALR in the future, the ALR may require you to move.
- The ALR can change your monthly fees with \_\_\_ days' notice.
- Your service plan can change based on the ALR's reassessment of your needs. Changes to your service plan may change your monthly costs.
- If you fail to provide notice of termination of Residency in accordance with the terms of the Residency Agreement, you may incur additional charges.

**RESIDENT RIGHT**

- Residents may file a complaint at any time with the Assisted Living Residence Ombudsman or the Assisted Living Residence Certification Unit at Executive Office of Elder Affairs by calling (617) 727-7750 or 1-800-AGE-INFO (1-800-243-4636).

**Required Signatures**

\_\_\_\_\_ Date: \_\_\_\_\_  
**Resident or Legal Representative**

\_\_\_\_\_ Date: \_\_\_\_\_  
**ALR Witness: Name and Position**

**A copy of this form should be provided to both parties after signing.  
The ALRs copy should be maintained in the Resident record**