

# PROTECT THE RIGHTS OF ELDERS AND DISABLED RESIDENTS IN LONG TERM CARE RESIDENCES

H599/S156

Representative Barber/Senator Jehlen

## WHAT THE BILL DOES:

Requires the Attorney General to promulgate regulations to protect the consumer rights of assisted living residents and grant to assisted living residents at least the same tenant rights as individuals living in a rented apartment.

## BACKGROUND

The number and needs of seniors who live in Assisted Living Residences (ALR's) and Continuing Care Retirement Communities (CCRC's) increases annually in Massachusetts as many elders choose to age in their communities longer rather than moving to an institutional setting. Nearly half (44.8%) of the residents in ALR's have a medical diagnosis of Alzheimer's Disease or related dementia, and over 60% of residents are between ages 80 and 94<sup>1</sup>.

**ALR's** offer a combination of housing, meals and personal care services to adults for a monthly fee. ALRs were not initially designed for people who need serious medical care on an ongoing basis. ALRs currently do not provide medical or nursing services but often offer medication management.

**CCRC's** provide housing, meals and personal care services in a variety of settings located in one campus including independent living facilities, assisted living residences with more personal care services and nursing home care.

## WHAT PROBLEM DOES THE BILL FIX:

Nursing home residents are protected by specific Attorney General (AG) consumer protections and Department of Public Health regulations designed to protect a vulnerable population. Tenants living in rental properties are protected by landlord tenant laws. Seniors with serious cognitive impairments, who used to be placed in nursing homes, are now often residing in assisted living residences. Yet there are few protections granted to these frail and impaired assisted living residents. This bill would require the AG to promulgate regulations to protect the rights of assisted living residents in ways similar to the protection of nursing home residents.

## HOW THE BILL ADDRESSES THE PROBLEM:

This bill provides M.G.L. c. 93A consumer protection against unfair and deceptive acts or practices to all residents of ALR's including those that are located within a CCRC and assure that assisted living residents receive the full protection of landlord tenant laws.



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<sup>1</sup> Executive Office of Elder Affairs Certification Program, Resident Aggregate Information, Annual Report 2017.