

SENATE BILL No. 436

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-18.3; IC 12-10-15.

Synopsis: Assisted living facilities. Requires that an assisted living facility must register with the bureau of aging and in-home services. Provides that an assisted living facility may not use the term "assisted living" unless the facility is certified by the bureau of aging and in-home services.

Effective: July 1, 1998.

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January 13, 1998, read first time and referred to Committee on Planning and Public Services.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 436

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-18.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 18.3. "Assisted living facility", for purposes of**
4 **IC 12-10-15, has the meaning set forth in IC 12-10-15-1.**

5 SECTION 2. IC 12-10-15 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]:

8 **Chapter 15. Assisted Living Facilities**
9 **Sec. 1. As used in this chapter, "assisted living facility" means**
10 **a facility that:**

11 (1) **offers residential services for a fee and identifies itself as**
12 **an assisted living facility; or**
13 (2) **offers residential services, including individual living units,**
14 **dietary services, housekeeping services, transportation, and**
15 **assistance with activities of daily living.**

16 **Sec. 2. (a) An assisted living facility must register with the**
17 **bureau.**

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1 (b) An assisted living facility may not use the term "assisted
2 living" to advertise, promote, or describe the facility's services or
3 operations unless the facility is certified by the bureau under this
4 chapter.

5 Sec. 3. (a) The bureau shall annually certify an assisted living
6 facility that does the following:

7 (1) Executes a written contract with each resident of the
8 facility, or legal guardian of the resident, that:

9 (A) explains in understandable layman's language all the
10 terms and conditions associated with living in the facility,
11 including conditions that could lead to violation or
12 termination of the contract; and

13 (B) contains the provisions required under section 4 of this
14 chapter.

15 (2) Before executing a contract under subdivision (1), executes
16 a disclosure form, prescribed by the bureau, that states that
17 the resident or the legal guardian of the resident understands
18 the terms and conditions of the contract.

19 (b) The bureau shall adopt rules under IC 4-22-2 that provides
20 the content for the disclosure form required under subsection
21 (a)(2).

22 Sec. 4. The bureau shall adopt rules under IC 4-22-2 that
23 provide standardized language to be used in certified assisted living
24 facility contracts for the purpose of stating the following:

25 (1) A resident has the right to continue to reside in the assisted
26 living facility as long as the facility continues to be an assisted
27 living facility regardless of changes of ownership and
28 management of the facility.

29 (2) Unless specifically stated in the contract, changes in the
30 resident's health or care needed by the resident are not
31 grounds for termination of residency in the assisted living
32 facility.

33 (3) An assisted living facility may not restrict a resident's
34 rights of citizenship, including the right to participate in
35 elections.

36 (4) An assisted living facility may not restrict a resident's
37 activities away from the assisted living facility, including
38 restrictions on time, duration, and distance of those activities.

39 (5) Except to protect the rights and activities of other
40 residents, an assisted living facility may not restrict the ability
41 of a resident to have visitors at the facility.

42 (6) An assisted living facility may not:

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- (A) restrict the ability of a resident to use the home health care services of the resident's choice; or
 - (B) require a resident to use home health care services.
- (7) An assisted living facility may not interfere with:
- (A) case management services;
 - (B) ombudsman services; or
 - (C) any service provided on behalf of the bureau.

Sec. 5. The bureau may adopt rules under IC 4-22-2 to require an assisted living facility to pay a fee to cover the costs of implementing this chapter. A fee assessed under this section must be on a per unit basis.

Sec. 6. The secretary and the director of the bureau shall adopt procedures to enforce this chapter. The procedures must include the following:

- (1) Annual certification of assisted living facilities that comply with the requirements under this chapter.
- (2) Procedures for receiving and recording complaints filed by residents, legal guardians of residents, and family members.
- (3) Civil penalties and sanctions for assisted living facilities that fail to comply with this chapter.
- (4) Procedures to review complaints against assisted living facilities, and procedures for the bureau to file complaints with the state department of health and the office of attorney general.

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