

Executive Office of Aging & Independence

Assisted Living Certification Unit

Mass.gov/Aging

Dear Consumer:

We are pleased to make available the ***Assisted Living in Massachusetts: A Consumer Guide*** to assist you in deciding whether Assisted Living is the right option for you or your family member and in choosing the most appropriate residence.

Each certified Assisted Living Residence in Massachusetts is required to provide this Guide to prospective residents before they agree to move into the Residence. The goal of Assisted Living is to provide the resident with the maximum amount of independence, in a residential setting, with personalized assistance. The Executive Office of Aging & Independence recognizes that by offering a combination of housing and individualized personal care services, Assisted Living Residences provide an essential option in the continuum of care that helps elders to age in their communities.

Each Assisted Living Residence is different and there are many things to consider when deciding which facility is right for you or your family member. This Guide includes questions and answers and other helpful information about costs, the Residency Agreement or contract, the disclosure of rights and services, staffing and services, activities, Special Care Residences, and more. There is also a “consumer checklist” for you to use when you visit a facility.

We hope that you find this Guide helpful as you begin your search for the best possible living arrangement. We welcome your suggestions to make the Guide even more useful. If you have any questions or comments about the Guide or Assisted Living in general, please contact Aging & Independence at 1-800-AGE-INFO or visit the Aging & Independence website at www.mass.gov/Aging.

Assisted Living in Massachusetts: A Consumer Guide

This document is available in alternative formats upon request.

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What is an Assisted Living Residence?

Assisted Living Residences (ALRs) offer a combination of housing, meals and personal care services to adults for a monthly fee that includes rent and services. Assisted Living Residences are not the same as licensed nursing facilities, often referred to as “nursing homes,” “skilled nursing facilities,” or “nursing and rehabilitation facilities.” ALRs do not provide medical or nursing services and they are not designed for people who need serious medical care on an ongoing basis. ALRs are intended for adults who may need some help with activities such as housekeeping, meals, bathing, dressing and/or medication assistance and who would like the security of having assistance available on a 24-hour basis in a home-like and non-institutional environment.

The underlying philosophy of assisted living is to provide services to residents in a way that enhances their independence, dignity, privacy, and individuality. Residents have the right to make choices in all aspects of their lives.

Who Oversees ALRs in Massachusetts?

ALRs in Massachusetts are required to obtain and maintain certification from the Massachusetts Executive Office of Aging & Independence. To do this, an ALR must meet regulatory standards that are designed to protect consumers while also allowing an individual ALR to be flexible in meeting the needs and desires of residents.

The Executive Office of Health and Human Services also operates the Long-Term Care Ombudsman Program, which provides advocacy to help resolve problems or conflicts that arise between an ALR and its residents. To contact an Assisted Living Ombudsman, you may call the Ombudsman Program at (617)222-7495.

How Much Does Assisted Living Cost in Massachusetts and How do People Pay for it?

The cost of Assisted Living varies greatly. According to the most recent data available from the 2022 Annual Aggregate Data Report is as follows.

For ALRs with traditional residents, the median lowest monthly fee was \$3,655, and the median highest monthly fee was \$8,036. For SCR units, the median lowest monthly fee was \$6,334 and the median ALR highest fee was \$9,525.

The variation in the cost is based on many factors, including:

- The type and number of services you need (in general, the more care needs you have, the higher the fee);
- The size, design and amenities of the Residence;
- The size of the apartment you choose; and
- The location of the Residence.

Most Assisted Living residents pay privately. Medicare, the federal health insurance program for elders and individuals who have a disability, does not cover Assisted Living. Individuals with long term care insurance policies should ask their insurance carrier if they qualify for coverage of any ALR services.

The subsidy programs listed below are available in Massachusetts to qualified individuals. It is important to note that not all ALRs provide these subsidies:

- *Group Adult Foster Care (GAFC)* – GAFC is a MassHealth funded program. For information on the GAFC Program, please contact the MassHealth Customer Services line at 1-800-841-2900.
- *Supplemental Security Income – Category G (SSI-G)* – This is a subsidy program administered by the Social Security Administration (SSA) and supplemented by the Massachusetts Department of Transitional Assistance for people residing in ALRs. Potential ALR residents are encouraged to talk to SSA directly through the field offices sites to determine if they might be eligible for SSI-G benefits. A list of SSA offices may be found at www.socialsecurity.gov/otherssasites.

- *Veterans' Administration Aid and Attendance Benefit* – VA Aid and Attendance Benefits may be available for Veterans and/or surviving spouses. For more information on this benefit, contact the Boston Regional Benefit Office at 1- 800-827-1000.
- *Other income qualifying programs* – Some ALRs provide reduced rates for low or moderate income residents.

Not all ALRs accept GAFC or SSI-G as payment. Potential residents should inquire about GAFC and SSI-G funding prior to signing a Residency Agreement (discussed later) with the ALR. This proactive step ensures that if and when the potential resident in the ALR has exhausted all financial resources, financial assistance will be available.

Remember, fees are not fixed and they often increase over the duration of a residents' stay in an ALR. Aging & Independence does not regulate ALR fees. The costs of rent and services provided by the ALR are determined by each Residence.

Questions to Ask Regarding the Cost of an ALR

- Is there a different monthly base rate for a shared apartment versus your own apartment?
- What services are included in the monthly base rate? Is it possible that future costs may become too high for you to afford? Do you need assistance figuring this out?
- For services that are not covered in the base rate or in any special packages, what are the costs and how are they billed? *Charges for telephone, cable, newspaper delivery, and salon services are usually billed in addition to your base rate and service package.*
- Is laundry service provided by the ALR? What does this cost?
- How many meals per day are included? Does the ALR provide additional snacks? What does this cost?

- Are items such as tissues, paper towels, toilet paper, laundry detergent and hand soap included in the base monthly rate? Are linens and towels included?
- Does the ALR require an initial entrance fee, application fee or deposit up front? *You should ask for an explanation of any up-front fees in writing. Depending on the circumstances, it may be possible to negotiate these fees.*
- Is there a limit on the percentage by which the monthly rate can be increased or how often the rate can be raised? *Unless specifically noted otherwise, the ALR can raise the rent at any time.*
- What happens if you run out of money?
- If you transition from private pay to a subsidy program, do you have to move to a different apartment?
- How does the Termination Clause in the Residency Agreement affect you financially? *Most Termination Clauses include the amount of notice (for example 30 or 60 days) that must be given to terminate the agreement between you and the Residence.*

What Types of Services are Provided by ALRs?

Each resident of an ALR will have an individualized service plan that is based on a current assessment. Service plans must indicate in detail the current type and amount of services that the resident is receiving. All ALRs are required to provide assistance and supervision with bathing, dressing, and mobility to all residents who have these activities in their service plan.

Some ALRs provide a higher level of care to meet the needs of their residents, including assistance with medication management and memory care assistance. It is important to ask before moving in what service limitations the ALR may have. It is important to consider what care needs you may have in the future and whether or not they will be met at the ALR you choose to move into. It is up to the consumer to ask about what services are available and then make a decision

based on that information. Remember, ALRs vary greatly from one to the next and the building design and services provided can vary greatly as well.

Medication Management

ALRs must provide supervision with medications for any resident who needs this service. There are two types of medication management programs that ALRs in Massachusetts may offer to their residents:

- *Self-Administered Medication Management (SAMM)* – Under Self-Administered Medication Management regulations, ALR staff may only remind and assist residents with taking medication. For example, staff may remind a resident when to take medication and open bottles or other containers. They may not directly administer any medication to a resident. This means, for example, that they may not squeeze eye drops into a resident’s eye, put a pill into a resident’s mouth, or rub medicated cream on a resident’s arm. If you need more than reminders and limited assistance to take medication, you will need to find an ALR that offers Limited Medication Administration.
- *Limited Medication Administration (LMA)* — Some ALRs provide a higher level of assistance with medication through LMA. Under the Limited Medication Administration regulations, a nurse, an individual designated by the resident, or the resident's representative can administer eye drops, apply medicated cream, and crush medications and place them in a resident’s mouth. Not all ALRs provide LMA. Make sure to ask about LMA prior to moving into an ALR if you need medication administration or think you will need it in the future.

ALR staff in Massachusetts is not allowed to administer injections. Should you need administration of regular injections, such as insulin, it is important to consider this aspect of your care prior to moving into an ALR. Sometimes a certified home health care agency may be able to assist ALR residents who need to receive injections.

Questions to Ask About Available Services

- What personal care services are available and how are they billed?
- How is the cost for additional services which are not included in your service plan determined? Is it based on actual time or by task? If by time, how is the time calculated?
- Is housekeeping included with the base service package? Is it daily housekeeping or weekly housekeeping? Who is responsible for trash removal?
- Is housekeeping included with the base service package? Is it daily housekeeping or weekly housekeeping? Who is responsible for trash removal?
- If you need skilled nursing or other services, can you hire someone from the community to come into the ALR to assist you? Is there someone at the ALR available to help you hire such services from an outside provider?
- What type of assistance with medications is available? Does the ALR provide Limited Medication Administration or only Self-Administered Medication Management?
- If you need assistance with medications, must you use a specific pharmacy or may you continue to use the pharmacy of your choice?
- Can your family member continue to fill your medication or must you use a pharmacy delivery service?
- Is there a doctor that visits the ALR who makes house calls that you could use as your primary care physician? Do you have to use this provider or may you continue to use your own physician offsite? *(ALRs cannot require residents to use a specific medical provider).*
- What activities are offered? Is a variety of activities offered on a daily and weekly basis? Are residents active in planning activities and events? Are the activities and events well attended?

- Is transportation available to access community activities? Is transportation only available at certain times, or can you access transportation whenever you need it? Will it take you to the specific events or places that you wish to visit? Is there an extra cost for transportation?
- What is the ALR's policy about having meals delivered to a resident's room? Is this allowed? Is there a charge or limit on the number of times you may have a meal delivered to your room?
- What is the ALRs policy and procedure for responding to residents' medical emergencies?
- In the event of an accident or incident involving a resident, is your designated "responsible party" always notified?
- What is the ALRs policy for recording and following your wishes in legal documents such as a living will, a health care proxy, a durable power of attorney, etc.?
- Can you remain at the ALR if you become confined to bed?
- Does the ALR accommodate terminally ill residents and their families? If you pay to have hospice care in the ALR do you still have to pay the monthly fee for services - even if you are not using those services?

Special Care Residence

An ALR may have a Special Care Residence (SCR). An SCR provides care and services for residents who require assistance with specialized needs, such as Alzheimer's disease and related dementias, Huntington's disease, or mental health issues. An SCR may be a separate secured area within a traditional ALR or it may be operated as a stand-alone facility

Questions to Ask About Special Care Residences

- What licensed or certified staff work at the SCR and what type of specialized staff training is offered? How many nurses are employed by the

SCR? How many home health aides or personal care workers are employed on a given shift and how many residents is each staff person responsible for? Does this level of staffing change depending on the residents currently living in the SCR?

- What is the physical design of the SCR? Are units or apartments shared?
- What specialized programs or services does the SCR offer? Is the SCR trained to handle residents who may have behaviors such as increased anxiety or aggression? How does the SCR monitor wandering? What type of resident behaviors are beyond the SCR's ability to address? What is the SCR's plan if a resident develops behaviors that are beyond the scope of its care?
- What types of enrichment activities are offered? Are activities specialized for the population that the SCR is serving? Is there an Activity Director solely for the SCR?
- What type of assistance with medication does the SCR offer? If a resident needs medication administration by a nurse, does the SCR offer Limited Medication Administration? If so, how much more will it cost? *Like all ALRs, the SCR can offer Self-Administered Medication Management (SAMM) assistance by personal care workers.*
- What is the SCR's policy for transitioning residents in or out of the SCR? What type of assessment does the SCR complete to determine if the resident is appropriate to live at the SCR? Does the SCR identify the specific transition process once a resident is no longer appropriate to live at the SCR?
- What information is written in the ALR Disclosure Statement regarding the SCR? What is disclosed about its SCR philosophy and mission?

How do I Choose an ALR?

Once you have a general idea of the setting, services, and price range you prefer for an ALR, call several Residences in your community. Plan to request a

brochure, a price list, a copy of the Residency Agreement (which may be called the “lease” or “contract”), and the Disclosure of Rights and Services Statement so that you can review those items during your selection process and prior to visiting the ALR.

It is to your advantage to tour the Residence that you are interested in. It is important to observe the staff’s interaction with residents while you are visiting the ALR. The way the staff interacts with the residents is often indicative of the quality of care that the ALR provides. Do residents appear to be socializing with each other and do they appear happy and comfortable during your visit? This may be indicative of the quality of care that the ALR provides.

You may want to have one of your visits to the ALR be unannounced and in the evening after business hours, or on the weekend. During this visit you will be able to see what the ALR is like when fewer staff are on site and also when the ALR has not been able to prepare for your visit.

You may also wish to inquire as to whether an ALR offers respite or trial stays. Some ALRs may allow a potential resident to move in for a short period of time to see whether he or she would be happy living there. This provides you or your family member with the opportunity to see what it would be like to live at the ALR without signing a long-term contract. You should ask what the additional cost may be to do a respite or trial stay.

Questions to Ask About the Physical Environment

- Are you able to choose the unit you will live in or is a unit assigned to you?
- Is the size of the unit acceptable to you? Is there enough closet space to meet your needs? If not, is there storage available, and at what cost?
- Do all of the units have private full bathrooms? If not, and you have to share a bathing room (shower and tub), where is the bathing room located, and with how many other residents would you have to share with?
- Will you have a kitchenette within your own unit? If the unit does not have a private kitchenette, where are the cooking facilities located?

- Are window curtains or blinds and shower curtains included with the unit?
- Can you control the temperature in your unit? Are the units air-conditioned? Can you put a window air conditioning unit in your apartment? *Although heat must be provided every day from September 15 until June 15, air conditioning is an amenity and not mandated by law.*
- What are the common areas like? When visiting the ALR, were residents using the common areas?
- Is the ALR well maintained? Are the hallways and walkways free of clutter? Does the ALR smell pleasant? Is the entrance neatly landscaped and well groomed?
- Is it easy to get around in the ALR? Are there enough elevators? Are there very long hallways? Is the ALR well lit? Does the ALR have outdoor ground suitable for walking in the nice weather?
- Is the ALR accessible to people who use mobility aids such as walkers, canes and wheelchairs?
- What type of security is available at the Residence? Is there someone at a front desk 24 hours a day? Are the main doors locked after a certain time? *You may want to call the local Police and Fire Departments to inquire as to how frequently they make visits to the ALR.*

How are ALRs Required to Staff Their Residence?

Many ALRs hire their own staff to provide services while others choose to contract with an outside agency to provide services. Traditional ALRs in Massachusetts are not required to maintain a specific number of caregivers or staff for each resident, however ALRs are required to maintain staff sufficient to ensure the health, safety, and welfare of the residents.

An ALR with a Special Care Residence must staff a minimum of two staff members at all times.¹ SCR staff must be qualified by training and experience and they must be awake at all times.

ALRs in Massachusetts are not required to have 24 hour per day on site nursing, although some ALRs do offer this service, usually at an additional expense to the resident.

Questions to Ask About Staffing

- What are the staffing levels of nurses and personal care workers? How many staff persons are available to provide personal care services? How many personal care workers are available during the day, the evening, overnight, and on the weekend?
- What are the responsibilities of the staff persons who will be providing you with personal care assistance? Do they have other functions such as organizing activities, delivering meals, etc.?
- Will you have the same personal care worker most of the time?
- What is the nurse's role versus the personal care worker's?
- How responsive is staff to unscheduled needs? For example, if you are going out to dinner one night and need some help to get dressed at the last minute, will a staff person be available to help you?
- How do you alert staff to help with unscheduled needs?
- What is the process used to signal staff in emergency situations?
- Are staff easily identifiable by nametag or uniform?
- Does the staff appear to show interest in the residents?
- How many hours of training do staff receive and what topics are covered?
- Who trains staff and what qualifications do they have?

¹ Beginning in 2017, ALRs are allowed to request an exemption to the two-staff minimum in SCR.

What are Disclosure Statements and Residency Agreements

The *Disclosure Statement* is an important document you will receive from the ALR at the time of or prior to paying any money to the ALR or signing a Residency Agreement. The purpose of the Disclosure Statement is to make you, the prospective resident, aware of the services that are or are not offered by the ALR before you enter into a formal agreement with the ALR or pay any fees.

It is important to read the Disclosure Statement thoroughly and ask questions about the information provided. The Disclosure Statement may also be used to compare ALRs to narrow down your choices among different Residences.

The *Residency Agreement*, or lease, is a contract between you and the ALR. It is the most important document that you will receive. **Residency Agreements are written to protect the ALR. By signing a Residency Agreement, the terms you agree to will become legally binding. We strongly suggest that you have your own attorney review the Residency Agreement on your behalf and explain the conditions (especially for termination) to you in clear language.** Note that every ALR will have its own grievance procedure that should be explained in the Residency Agreement. Make sure you read and understand the grievance procedure.

It is very important to make sure that if the ALR promises you anything above and beyond what is included in the Residency Agreement that you receive this information in writing for your records.

Questions to Consider Before Signing the Residency Agreements

- Is the language in the Residency Agreement clear?
- What are the conditions under which the ALR can terminate the Residency Agreement? Do the conditions for terminating the Residency Agreement appear balanced? For example, if the Residency Agreement requires you to give at least 30 days' notice if you choose to terminate it, is the ALR also required to give you at least 30 days' notice if it terminates the Residency

Agreement? Does the ALR have sole discretion to terminate your residency?

- Does the Residency Agreement specify what happens if a resident's needs are unable to be met by the ALR?
- Is the Residency Agreement silent on any important matters? If there are areas which are important to you but that are not mentioned in the Residency Agreement, you may ask for these areas to be included in your Agreement. For example, if you are told that transportation to the supermarket is available daily or that rent will only be increased once per year, ask the ALR to put it in writing in your Residency Agreement.
- Does the agreement include certain rules or restrictions which make you uncomfortable?
- Does the ALR prohibit residents from having pets in their units?
- What happens when the residents have complaints? Would you or your relative feel comfortable expressing concerns in the manner expected?

How and When is a Resident Discharged From an ALR?

All individuals who reside in an ALR in Massachusetts are protected by landlord/tenant law. ALRs must terminate residents in accordance with the terms documented in the written Residency Agreement. People who live in Assisted Living Residences are essentially renting an apartment; therefore an ALR cannot legally prohibit a resident from returning to his or her apartment without formally terminating the tenancy and obtaining an eviction order.

It is important to thoroughly understand the conditions by which an ALR can terminate your Residency Agreement. Pay careful attention to how much notice you will be required to give if you need or choose to move out of your apartment. Without the proper notice, you may be required to pay the monthly fee throughout the entire notice period even if you no longer live at the ALR.

Questions to Ask About Discharge from an ALR

- How does the ALR determine that they can no longer meet the needs of the resident?
- Who has input into determining if a resident needs a higher level of care?
- If a resident needs to move to another facility setting, how is that move facilitated?
- Is there a grievance procedure or process to appeal an ALR's decision to require that a resident move out?
- If the ALR offers a subsidy program and there are not units available, what happens when a resident runs out of money?

Consumer Checklist

This checklist is designed to be used to help you organize and compare information you gather while touring and researching Assisted Living Residences.

This checklist is not intended to be an abbreviated version of the Consumer Guide. You are strongly encouraged to read through the entire content of the Consumer guide prior to selecting an Assisted Living Residence (ALR) or a Special Care Residence (SCR) which will best meet your needs.

Residence Information	<u>ALR 1:</u>	<u>ALR 2:</u>	<u>ALR 3:</u>
Number of Units:			
Is there a Special Care Residence (SCR)?			
What special needs does the SCR address?			
Is there a subsidy/low income program?			
Is there a "move-in" or "community fee"? What is the cost? Is it refundable?			
Is a deposit required? What is the cost? Is it refundable?			
Services Included in the Monthly Fee			
○ Bathing			
○ Dressing			

<input type="checkbox"/> Grooming			
<input type="checkbox"/> Transferring			
<input type="checkbox"/> Toileting			
<input type="checkbox"/> Meals (number per day?)			
<input type="checkbox"/> Cable TV service, internet, telephone			
<input type="checkbox"/> Items such as lightbulbs, paper towels, toilet paper, etc.			
<input type="checkbox"/> Housekeeping			
<input type="checkbox"/> Shopping			
<input type="checkbox"/> Contenance Products			
<input type="checkbox"/> Laundry			
<input type="checkbox"/> Transportation			
<input type="checkbox"/> Activities			
<input type="checkbox"/> Medication Management (SAMM or LMA?)			
<input type="checkbox"/> Other Services:			
<input type="checkbox"/> ALR base monthly fee			
<input type="checkbox"/> SCR base monthly fee			
Other Issues to Consider			

What are the additional fees for services not included in the base fee?			
Do they offer respite stays? What is the cost?			
What is the emergency preparedness plan? Is there a generator on site?			
What are the conditions by which the ALR can terminate the Residency Agreement?			
How much notice must be given to terminate the Residency Agreement?			
What is the notice requirement for an unexpected death or medical emergency?			
Is the ALR Conveniently Located to:			
<input type="radio"/> Family			
<input type="radio"/> Friends			
<input type="radio"/> Doctors			
<input type="radio"/> Hospital			

○ Shopping			
○ Place of Worship			
○ Public Transportation, main access road or highway			

Final Notes
<p><u>ALR 1:</u></p>
<p><u>ALR 2:</u></p>

ALR 3:

Have the name and number of your contact at the Residence for follow-up questions.

Glossary

Assisted Living Residence (ALR): Any entity that provides room and board and personal care services for three or more adults and collects payments for the services provided.

Aging & Independence: The Executive Office of Aging & Independence is the state agency which certifies Assisted Living Residences in Massachusetts.

Limited Medication Administration (LMA): A type of medication management where a nurse administers medications. Under LMA, a nurse may administer eye drops, apply creams, crush medications and place medication in a resident's mouth.

Personal Care Service: Assistance with one or more of the Activities of Daily Living and Self-administered Medication Management, either through physical support or supervision. Supervision includes reminding or observing Residents while they perform activities.

Residency Agreement: The written contract between an Assisted Living Residence and a Resident or prospective Resident on either a temporary (e.g., for respite care) or more permanent basis.

Resident: An individual who resides in an Assisted Living Residence or Special Care Residence.

Respite stay: a short term or temporary stay at an Assisted Living Residence.

Self-administered Medication Management (SAMM): A type of medication management which includes reminding Residents to take medication, opening containers for Residents, opening prepackaged medication for Residents, reading the medication label to Residents, and observing Residents while they take the medication.

Service Plan: A document that describes in detail the individualized services that the Assisted Living Residence will provide to the Resident.

Special Care Residence (SCR): The Residence in its entirety or a separate and distinct section within the Residence that provides an enhanced level of supports and services for one or more Residents to address their specialized needs due to cognitive or other impairments.

Unit: A portion of an Assisted Living Residence designed for and occupied pursuant to a Residency Agreement by one or two individuals as the private living quarters of such individuals.