



**The Commonwealth of Massachusetts
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TO: Assisted Living Residence and Other Interested Parties
FR: Susan Thomson, Acting Secretary, Executive Office of Elder Affairs
DA: January 30, 2015
RE: Implementation of Modified Assisted Living Regulations, 651 CMR 12.00

ASSISTED LIVING POLICY STATEMENT
Circular Letter: EOEА 15-1

The Certification Procedures and Standards for Assisted Living Residences, 651 CMR 12.00, were initially promulgated in accordance with Chapter 354 of the Acts of 1994, An Act Establishing Assisted Living Residences. The regulations generally establish the standards by which Assisted Living Residences (ALRs) become certified and are overseen and monitored by the Executive Office of Elder Affairs (EOEA). The regulations were last revised in 2006. Since that time, the number of ALRs has increased, as has the level of needs of ALR residents.

In order to update the regulations and enhance the safety of ALR residents, the ALR Certification regulations have been modified. The process of updating the ALR certification regulations included the gathering of input from a stakeholder workgroup that met eight times between June and November 2013, as well as several meetings of the Assisted Living Advisory Council, the most recent of which convened in December 2014.

Changes to the ALR regulations include requirements for Special Care Residences, controlled substances, screening and assessment, training, incident reporting, disaster and emergency preparedness, and compliance with Chapter 224 of the Acts of 2012 concerning information about palliative care.

On December 5, 2014, proposed changes to the ALR regulations were published in the Massachusetts Register and a public hearing was held on December 15, 2014. Comments were accepted through December 17, 2014. The final version of the regulations were published in the Massachusetts Register on January 30, 2015 and went into effect the same day.

In order to permit ALRs a reasonable opportunity to develop, document, and implement policies and procedures which meet the requirements of the new regulations, EOEa is issuing this Circular Letter to outline the schedule according to which the new regulatory requirements will be enforced:

- ALRs are expected to immediately begin to develop and implement policies and procedures designed to meet the requirements of the new regulatory requirements and to train their staff on those policies. ALRs must be in full compliance with the revised regulations as soon as reasonably possible or no later than July 1, 2015
- Any new forms or documentation required by these regulations must be submitted to the Elder Affairs Assisted Living Certification Unit by July 1, 2015
- Provided that an ALR is making a good faith effort to comply with the revised regulations, EOEa's Certification Unit will not make any adverse findings for failure to comply with the requirements of the modified regulations pursuant to any compliance review or inspection conducted prior to July 1, 2015
- Prior to July 1, 2015, adverse findings may be made against any ALR that fails to comply with the regulatory requirements in effect prior to the filing of the final modifications, except to the extent that the revised regulation may impose a lesser burden
- An unofficial copy of the final regulations and a red-lined version indicating the changes made to the prior version of the regulations will be posted on EOEa's website. If you require a hard copy of the regulations, please contact Joseph Kaplan at (617)-222-7451. If you require an official version of the regulations please contact the Office of the Massachusetts Secretary of State at (617) 727-2831.