



Dear Members,

Catch up on recent state changes with our regulatory recap below, covering key updates from the past few months along with an essential educational opportunity. We know adapting to new regulations can be challenging, and we are here to support you. Below, you will find a summary and links recapping key updates since the publication of the regulations, along with practical checklists to help verify your community's compliance steps. If you missed our live sessions, you can also purchase on-demand access to our recent regulatory webinar recordings below to stay fully caught up.

- **[July 30 AGE Implementation Guidance: Key Takeaways](#)**
 - AGE released [implementation guidance](#) for the amended **651 CMR 12.00 regulations**, providing additional information on how the new requirements will be implemented.
 - The regulations became effective **July 31, 2026**, with some provisions having later implementation dates.
 - AGE will conduct surveys through September 29 with findings on the prior regulations, and will also "identify noncompliance with these new requirements in a separate section of the Compliance Review Report in acknowledgment of an ALR's need for time to implement some of the new requirements."
 - Members should review the guidance carefully and begin updating policies, procedures, forms, and other materials affected by the new requirements.
- **[Updated Document Submissions Due October 15](#)**
 - AGE has provided updated **document submission guidelines** following the implementation of the new regulations.
 - All ALRs need to submit updated documents and should have their materials completed and submitted by **October 15, 2026**.
 - Please review the [August 3 AGE guidance](#) to determine what needs to be updated and submitted.
- **Massachusetts General Laws Chapter 93A (Consumer Protection Act)**
 - As a follow-up to our update of [Key Considerations for Adapting to the Attorney General's Consumer Protection Regulations for Assisted Living](#), we are providing additional information on potential liability for providers who fail to comply with those regulations, which includes the potential for double or treble damages.
 - Chapter 93A is the Massachusetts Consumer Protection Act. It prohibits unfair or deceptive acts or practices in trade or commerce and provides consumers with legal remedies when businesses engage in conduct that is unfair, misleading, or deceptive. The Massachusetts Attorney General's Assisted Living Consumer Protection Regulations (940 CMR 4.00 and 40.00) define unfair or deceptive acts or practices that violate and can be enforced through Chapter 93A.
 - A consumer can bring a claim against a provider under Chapter 93A who violates one or more of the Attorney General's consumer protection regulations by showing: 1) that the provider engaged in conduct prohibited by the regulations; 2) that the consumer suffered an injury or loss; and 3) the regulatory violation caused the particular injury or loss claimed. Remedies for Chapter 93A violations are significant and may include actual damages, attorneys' fees/costs, injunctive or other equitable relief, and/or double or treble damages.
- **Double or Treble Damages**
 - **Double or Treble damages** means that a court may award an amount equal to two or even **three times the actual damages suffered** by a consumer when it finds that a violation was willful or knowing, or that the provider refused in bad faith to provide relief after receiving a Chapter 93A demand letter.
- **Why This Matters for Assisted Living Providers**

Noncompliance with the Attorney General's regulations may constitute a violation of Chapter 93A. As a result, assisted living residences may face:

- Consumer complaints and investigations by the Attorney General's Office
 - Private lawsuits by residents or their representatives
 - Actual damages, attorney's fees, and costs
 - Double or treble (triple) damages for willful or knowing violations
- **Key Takeaway:** Compliance with the Attorney General's consumer protection regulations is not only a regulatory obligation but also a significant legal and financial risk management strategy for assisted living providers.
- **August 3 AGE Document Submission Update**
 - AGE subsequently issued additional guidance on **document submissions** following implementation of the new regulations.
 - Mass-ALA has **summarized** and shared this information with members to help communities understand what needs to be updated and when.
 - **Residency Agreements & Disclosures**
 - On July 31, Mass-ALA shared an **update** regarding the **new AGE requirements for residency agreements and disclosures**.
 - Communities should review their existing agreements and disclosure materials and determine what changes are needed to bring them into compliance with the new requirements.
- **ALR Compliance & Survey Readiness Checklists**
 - Mass-ALA developed the **ALR AGE & AGO Compliance Checklist** to help member assisted living communities successfully navigate the implementation of the new 651 CMR 12.00 AGE regulations and 940 CMR 40.00 Attorney General standards.
 - Designed as a dual-focused tool, it incorporates dedicated checklists for both **Executive Office of Aging & Independence (AGE)** requirements and **Attorney General's Office (AGO)** compliance. Executive Directors and leadership teams can use this resource to evaluate current operations, pinpoint compliance gaps, prioritize corrective steps, and streamline survey preparation.
 - Utilizing this tool will help your community reinforce resident safety, elevate care standards, and establish a clear, structured roadmap for ongoing compliance across both state frameworks.
- **Catch Up on Our Recent Regulatory Webinars**
 - **NEW: Recording Available – Navigating the New Consumer Protection Regulations**
 - Missed our **July 31 webinar** with Mass-ALA legal counsel Heather Berchem? The recording is now available for purchase.
 - This session covered the Attorney General's new consumer protection regulations and what they mean for assisted living communities.
 - **Purchase the recording here.**
 - **NEW: Recording Available – AGE Regulations Update: Changes to 651 CMR 12 and Basic Health Services**
 - The recording of our **August 12 webinar** is also available for purchase.
 - Heather Berchem reviewed the major changes to 651 CMR 12, followed by Karen Bain, RN, BS, CIC, who covered the updated **Basic Health Services requirements**, implementation considerations, and compliance expectations.
 - **Purchase the recording here.**
- **AGE Office Hours for Regulatory Implementation**
 - AGE will be having office hours on the new regulations to help providers with implementation and to answer questions. See this **update** for details and registration links.
- **Mass-ALA Advocacy Made a Difference**
 - Mass-ALA successfully advocated for several changes between the draft and final regulations that will have a direct impact on communities:
 - **Assessments: The RN-only requirement was removed, maintaining the ability of LPNs to conduct assessments for communities that are not BHS-certified.**
 - **Lift Devices: The proposed two-staff mandate was replaced with a requirement for staffing sufficient to meet resident needs while following the community's Lift Device Policy and manufacturer guidance. Communities can maintain their own lift-device policy rather than having a specific two-staff requirement imposed by regulation.**
 - **Definition of Lift Device: AGE added a definition that largely mirrors the language recommended by Mass-ALA.**
 - **Operating Plan Services: Mass-ALA successfully advocated for the removal of the word frequency, replacing it with language addressing the type, extent, daily availability, and cost of services.**

- **Transition Period & Delayed Enforcement:** Mass-ALA successfully advocated for delayed enforcement of the new assisted living regulations, resulting in a transition period through September 29, 2026, additional clarity on implementation expectations, a temporary delay in enforcement of new epinephrine requirements, and an October 15, 2026 deadline for required document updates. AGE also addressed several implementation questions raised by Mass-ALA in its guidance.
- These changes are examples of why your continued membership and Mass-ALA's ongoing advocacy are so important as regulations affecting assisted living continue to evolve.

- **Stay Up to Date**

- Mass-ALA continues to monitor the AGE & AGO implementation and provide members with updates, clarification, and advocacy as additional information becomes available.
- **[Essential Regulatory Briefing at the Annual Conference \(9/30\)](#):** Don't miss Heather Berchem (*Harris Beach Murtha*) on September 30th as she dives into shifting Massachusetts regulations from AGE and the Attorney General. Discover how new requirements impact day-to-day operations, common compliance risks to avoid, and immediate steps to ensure your community stays compliant. Register [here](#).
- Visit the [Mass-ALA State News & Updates page](#) regularly for the latest regulatory guidance, member updates, and state information.

If you have any questions, please contact us at Mass-ALA@mass-ala.org.

This update is solely for general informational purposes. It is not intended to replace a full review of the cited regulations or guidance.

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