

HOUSE BILL NO. 471
INTRODUCED BY S. DICKENSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING RESIDENTS OF ASSISTED LIVING FACILITIES, INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED, AND LONG-TERM CARE FACILITIES WITH LONGER ADVANCE NOTIFICATION OF RENT INCREASES; REGULATING NOTIFICATIONS BY RESIDENTS; AMENDING SECTIONS 50-5-225 AND 50-5-1104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, residents of assisted living facilities, intermediate care facilities for the developmentally disabled, and long-term care facilities often are on fixed incomes and unable to meet unanticipated increases in rent on short notice; and

WHEREAS, residents of assisted living facilities, intermediate care facilities for the developmentally disabled, and long-term care facilities often do not have family nearby or other supportive advisers available on a timely basis to help determine whether an alternative facility has competitive rental rates and amenities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-5-225, MCA, is amended to read:

"50-5-225. Assisted living facilities -- services to residents. (1) An assisted living facility shall, at a minimum, provide or make provisions for:

- (a) personal services, such as laundry, housekeeping, food service, and local transportation;
- (b) assistance with activities of daily living, as provided for in the facility admission agreement and that do not require the use of a licensed health care professional or a licensed practical nurse;
- (c) recreational activities;
- (d) assistance with self-medication;
- (e) 24-hour onsite supervision by staff; and
- (f) assistance in arranging health-related services, such as medical appointments and appointments related to hearing aids, glasses, or dentures.

(2) An assisted living facility may provide, make provisions for, or allow a resident to obtain third-party provider services for:

- (a) the administration of medications consistent with applicable laws and regulations; and
- (b) skilled nursing care or other skilled services related to temporary, short-term, acute illnesses, which may not exceed 30 consecutive days for one episode or more than a total of 120 days in 1 year.

(3) An assisted living facility shall provide notice of rent or fee increases at least 90 days in advance of the increase to each resident or authorized representative of the resident.

(4) An assisted living facility required to provide notification under subsection (3) may not require more than a 30-day notice from a resident who is moving out of the facility or the resident's authorized representative."

NEW SECTION. Section 2. Notification of rent increases at intermediate care facility for developmentally disabled -- reciprocity regulated. (1) An intermediate care facility for the developmentally disabled shall provide notice of rent or fee increases at least 90 days in advance of the increase to each resident or the authorized representative of the resident.

(2) An intermediate care facility for the developmentally disabled that is required to provide notification under subsection (1) may not require more than a 30-day notice from a resident who is moving out of the facility or the resident's authorized representative.

Section 3. Section 50-5-1104, MCA, is amended to read:

"50-5-1104. Rights of long-term care facility residents. (1) The state adopts by reference for all long-term care facilities the rights for long-term care facility residents applied by the federal government to facilities that provide skilled nursing care or intermediate nursing care and participate in a medicaid or medicare program, {42 U.S.C. 1395i-3(a) and 1396r(a), as implemented by regulation}.

(2) In addition to the rights adopted under subsection (1), the state adopts for all residents of long-term care facilities the following rights:

(a) A resident or the resident's authorized representative must be informed by the facility at least ~~30~~ 90 days in advance of any changes in the cost or availability of services, unless to do so is beyond the facility's control.

(b) Regardless of the source of payment, each resident or the resident's authorized representative is entitled, upon request, to receive and examine an explanation of the resident's monthly bill.

(c) Residents have the right to organize, maintain, and participate in resident advisory councils. The facility shall afford reasonable privacy and facility space for the meetings of the councils.

(d) A resident has the right to present a grievance on the resident's own behalf or that of others to the

facility or the resident advisory council. The facility shall establish written procedures for receiving, handling, and informing residents or the resident advisory council of the outcome of any grievance presented.

(e) A resident has the right to ask a state agency or a resident advocate for assistance in resolving grievances, free from restraint, interference, or reprisal.

(f) During a resident's stay in a long-term care facility, the resident retains the prerogative to exercise decisionmaking rights in all aspects of the resident's health care, including placement and treatment issues such as medication, special diets, or other medical regimens.

(g) The resident's authorized representative must be notified in a prompt manner of any significant accident, unexplained absence, or significant change in the resident's health status.

(h) A resident has the right to be free from verbal, mental, and physical abuse, neglect, or financial exploitation. Facility staff shall report to the department and the long-term care ombudsman any suspected incidents of abuse under the Montana Elder and Persons With Developmental Disabilities Abuse Prevention Act, Title 52, chapter 3, part 8.

(i) Each resident has the right to privacy in the resident's room or portion of the room. If a resident is seeking privacy in the resident's room, staff members should make reasonable efforts to make their presence known when entering the room.

(j) In case of involuntary transfer or discharge, a resident has the right to reasonable advance notice to ensure an orderly transfer or discharge. Reasonable advance notice requires at least 21 days' written notification of any interfacility transfer or discharge except in cases of emergency or for medical reasons documented in the resident's medical record by the attending physician.

(k) If clothing is provided to the resident by the facility, it must be of reasonable fit.

(l) A resident has the right to reasonable safeguards for personal possessions brought to the facility. The facility shall provide a means for safeguarding the resident's small items of value in the resident's room or in another part of the facility where the resident must have reasonable access to the items.

(m) The resident has the right to have all losses or thefts of personal possessions promptly investigated by the facility. The results of the investigation must be reported to the affected resident.

(3) The administrator of the facility shall adopt whatever additional measures are necessary to implement the residents' rights listed in subsections (1) and (2) and meet any other requirements relating to residents' health and safety that are conditions of participation in a state or federal program of medical assistance."

NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an

integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [section 2].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

- END -