

SECTION 2.

COMPARISON OF STATE POLICIES

TABLE 2-1. Comparison of State Residential and Assisted Living Regulations: Supply

State	Category	2004		2002		2000		CoN
		Facilities	Units/Beds	Facilities	Units/Beds	Facilities	Units/Beds	
AL	Assisted living facilities	335	9,876	327	9,738	304	8,000	N
AK	Assisted living homes	162	1,650	143	1,497	123	1,346	N
AR	Residential long-term care facilities	111	4,369	122	4,647	152	5,438	Y
	Assisted living facilities	6	275	NA	NA	NA	NA	Y
AZ	Assisted living facilities	1,509	24,500	1,524	24,002	1,242	22,848	N
CA	Residential care facilities for elderly	6,543	154,830	6,207	147,580	6,152	136,719	N
CO	Assisted living residences	525	13,799	538	14,291	551	13,868	N
CT	Assisted living service agencies	65	NA	63	NA	48	NA	N
	Residential care homes	101	2,753	109	2,949	113	3,015	Y
DC	Community residence facilities	200	1,866	NR	NR	NR	NR	N
DE	Rest residential homes	3	NR	6	160	4	99	N
	Assisted living	29	1,738	27	1,300	18	927	N
FL	Assisted living facilities standard	2,250	74,762	2,328	78,348	2,361	77,292	N
	Limited nursing services							
	Assisted living extended congregate							
GA	Personal care homes	1,687	25,434	1,648	25,563	1,606	24,437	Y/M
HI	Assisted living facilities	7	1,008	3	354	0	0	N
	Adult residential care home	542	2,882	545	2,882	552	2,866	
	Expanded care adult residential care home					77	157	
ID	Residential and assisted living facilities	266	6,160	253	5,815	226	5,185	N
IL	Assisted living facilities	120	5,830	24	1,667	NA	NA	N
	Shelter care facilities	149	8,484	156	8,240	156	8,302	N
	Shared housing	13	92	NR	NR	NR	NR	N
IN	Residential care facilities	147	11,767	140	11,555	127	10,098	N
IA	Assisted living programs	184	5,220	154	4,180	78	3,409	N
KS	Assisted living	191	7,971	129	5,658	80	4,521	N
	Residential health care facility			98	2,918	43	2,355	N
KY	Assisted living communities	83	NA	73	NA	6	NA	N
	Personal care homes	204	7,389	204	7,792	201	NR	N

TABLE 2-1 (continued)								
State	Category	2004		2002		2000		CoN
		Facilities	Units/Beds	Facilities	Units/Beds	Facilities	Units/Beds	
LA	Personal care homes	44	286	29	176	33	216	N
	Assisted living	67	4,157	66	3,906	66	3,119	N
ME	Assisted living programs	30	1,429	24	1,133	14	799	N
	Residential care facilities - 1 (I-IV 2004)	711	7,593	473	1,711	509	1,799	N
	Residential care facilities - II-IV			192	5,220	189	4,094	N
MD	Assisted living programs	1,248	17,148	2,000	14,273	2,500	NR	N
MA	Assisted living residences	171	10,585	139	9,796	139	8,200	Y
MI	Homes for the aged	190	14,588	188	14,500	NR	NR	N
	Adult foster care: small group homes							N
	Adult foster care: large group homes	4,265	32,915	4,353	33,317	3,735	26,015	N
	Adult foster care: congregate homes							N
MN	Housing with services establishments	931	NA	600	NA	592	NA	N
MO	Residential care facilities I	280	6,363	285	6,533	313	7,030	Y
	Residential care facilities II	363	15,434	363	15,106	364	15,405	Y
MS	Personal care homes	194	4,197	207	5,137	197	4,568	Y
MT	Personal care facilities	177	3,730	149	3,276	127	2,600	N
NE	Assisted living facilities	259	9,187	227	8,369	167	7,077	N
NV	Residential care facilities for groups	300	4,021	374	NR	326	4,581	N
NH	Supported residential care facilities	137	4,013	148	3,936	75	2,797	N
	Residential care home facilities					67	769	N
NJ	Assisted living residences	152	13,696	129	11,645	91	8,672	Y
	Assisted living programs	13	NA	17	NA	16	NA	Y
	Comprehensive personal care homes	43	2,388	41	2,642	29	1,752	Y
NM	Adult residential care	346	NR	305	NR	255	NR	N
NY	Adult care homes	431	32,859	449	34,805	453	33,589	N
	Enriched housing programs	90	7,227	83	5,308	44	3,147	N
	Residences for adults	6	200	8	345	8	464	N
	Assisted living programs	57	3,315	53	3,034	45	2,522	N

TABLE 2-1 (continued)								
State	Category	2004		2002		2000		CoN
		Facilities	Units/Beds	Facilities	Units/Beds	Facilities	Units/Beds	
NC	Adult care homes	629	35,247	631	34,776	610	32,995	Y
	Family care homes	648	3,642	682	3,816	743	4,134	N
	Multi-unit housing with services	23	1,053	20	1,538	NR	NR	N
ND	Basic care facilities	46	1,490	47	1,490	43	1,436	N
	Assisted living facilities	42	1,361	NA	NA	NA	NA	N
OH	Adult care facilities (3-16)	712	5,666	805	5,783	860	6,017	N
	Residential care facilities (17+)	510	36,255	462	31,937	439	28,139	N
OK	Residential care home	103	3,358	210	8,620	147	8,478	N
	Assisted living centers	115	6,308	8	1,253	87	NR	N
OR	Assisted living facilities	190	12,566	180	11,998	138	8,661	M
	Residential care facilities	236	8,504	220	8,227	187	6,805	M
PA	Personal care homes	1,718	76,385	1,786	79,929	1,803	73,075	N
RI	Assisted living facilities	73	3,676	68	3,270	68	3,196	N
SC	Community residential care facilities	504	16,641	545	17,761	553	16,119	N
SD	Assisted living centers	162	3,360	153	3,084	127	NR	N
TN	Assisted care facilities	184	10,699	178	10,495	160	8,691	N
	Homes for the aged	155	3,230	166	3,307	198	3,994	N
TX	Assisted living facilities	1,378	42,245	1,324	41,424	1,304	39,596	N
UT	Assisted living facilities type I	92	1,678	108	1,886	116	1,954	Y
	Assisted living facilities type II	49	2,800	43	2,460	26	1,221	Y
VA	Assisted living facilities	636	34,598	659	34,200	663	32,768	N
VT	Residential care facilities	110	2,302	109	2,213	114	2,351	N
	Assisted living residences	3	108	NA	NA	NA	NA	N
WA	Boarding homes	538	24,498	525	23,830	498	22,140	Y/M
WV	Personal care homes	NA	NA	50	2,310	52	2,342	N
	Residential board and care homes	NA	NA	82	1,498	80	1,197	N
	Residential care communities	3	88	3	88	3	88	N
	Assisted living residences	113	3,197	NA	NA	NA	NA	N
WI	Residential care apartment complexes	151	6,001	122	4,452	94	3,211	N
	Community-based residential facilities	1,359	21,374	1,350	21,242	1,340	21,064	N

TABLE 2-1 (continued)								
State	Category	2004		2002		2000		CoN
		Facilities	Units/Beds	Facilities	Units/Beds	Facilities	Units/Beds	
WY	Assisted living facilities	15	970	14	1,005	13	960	N
	Boarding homes	17	315	NR	NR	26	419	
Total		36,451	937,601	36,283	909,196	35,066	801,148	
NOTES: M: Moratorium NR: Not reported NA: Not applicable AZ: Figures represent combined supply for three categories GA: CoN applies to facilities serving more than 24 residents								

TABLE 2-2. Comparison of State Residential and Assisted Living Regulations: Characteristics

State	Category	Size Definition ¹	Apt Required	Sharing by Choice? ²	Max # Occupants	Size-Single	Size 2+ ³	#/Toilet	#/Bath
AL	Assisted living facilities	2	N	N	2	80*	130*	6	8
AK	Assisted living homes	3	N	Y	2	80	140	NS	NS
AR	Residential long-term care facilities	3	N	Y	2	100	160	6	10
	Assisted living facilities	3	Y*	Y	2	150	230	2	2
AZ	Assisted living facilities	<10, >10	N	Y	2	80/220*	120/320	8	8
CA	Residential care facilities for elderly	NS	N	Y*	2	**	**	6	10
CO	Assisted living residences	3	N	N	2	100	120	6	6
CT	Assisted living service agencies	NS*	Y	Y	*	*	*	*	*
	Residential care homes	2	N	Y	2	150	250	4	8
DE	Rest residential homes	NS	N	N	4	100	80	4	4
	Assisted living	NS	N	Y	2	**	**	NA	NA
FL	Assisted living facilities (standard)	1	N	N	2*	80	60*	6	8
	Limited nursing services			N	2*			6	8
	Assisted living extended congregate care			Y	2			4	4
GA	Personal care homes	2	N	N	4	80	60	4	8
	Community living arrangements	2	N	N	2	NS	NS	4	4
HI	Assisted living facilities	NS	Y	Y	NS	220	NA	1	1
	Adult residential care home	<6, >6	N	N	4	90	70	8	14
ID	Residential and assisted living facilities	3	N	N	2	100	80	6	8
IL	Assisted living facilities	3	N*	Y	NS	NS	NS	1	NS
	Shelter care facilities	NS	NS	NS	4	70	60	10	15
	Shared housing	< 12	N	NS	NS	NS	NS	4	6
IN	Residential care facilities	NS	N	N	4	100	80	8	8
IA	Assisted living programs	6	N	Y	2	240/70*	340/70	1	1
KS	Assisted living	6	Y	Y	NS	200	NS	1	1
KY	Assisted living communities	5	N	Y	2	200	200	NA	
	Personal care homes	NS	N	N	4	NS	NS	8	12
LA	Personal care homes	2-8	N	N	2	100	70	NS	NS
	Assisted living	2	Y	Y	2	250	250*	1	1
ME	Assisted living programs	NS	Y	Y	NA	NA	NA	NA	NA
	Assisted living residential care I-IV	NS	N	N	2	100	160	6	10
MD	Assisted living programs	NS	N	N	2	80	120	4	8
MA	Assisted living residences	3	**	NS	2	NS	NS	**	**
MI	Homes for the aged	> 20	N	N	4	100	80	8	15
	Adult foster care: small group homes	< 12	N	N	2	80	170	8	8
	Adult foster care: large group homes	13-20							
MN	Housing with services establishments	1	**	**	**	**	**	10	20
MO	Residential care facilities I & II	3	N	N	4	70	70	6	20

TABLE 2-2 (continued)

State	Category	Size Definition ¹	Apt Required	Sharing by Choice? ²	Max # Occupants	Size-Single	Size 2+ ³	#/Toilet	#/Bath
MS	Personal care homes	NS	N	N	4	80	80	6	12
MT	Personal care facilities	NS	N	N	4	100	80	4	12
NE	Assisted living facilities	4	N	N	2	100	80	1*	8*
NV	Residential care facilities for groups	3	N	N	3	80	60	4	6
NH	Supported residential care facilities	2	N	N	2	80	140	6	6
	Residential care home facilities	2	N	N	2	80	140	6	6
NJ	Assisted living residences	4	Y	Y	2	150	230	1	1
	Assisted living programs	NS*	NA	Y	NA	NA	NA	NA	NA
	Comprehensive personal care	4	N	Y	2	80	130	NS	NS
NM	Adult residential care	2	N	N	2	100	80	8	8
NY	Adult care homes	5	N	N	2	100	160	6	10
	Enriched housing programs	5	Y	Y	NS	NS	NS	3	3
	Residence for adults	NS	N	N	2	100	160	6	10
	Assisted living programs	5	Y/N	Y/N	**	**	**	**	**
NC	Adult care homes	7	N	N	4	100	80	5	10
ND	Basic care facility	5	N	N	NS	100	80*	4	15
	Assisted living facilities	5	**	**	**	**	**	**	**
	Adult care facilities	3-16	N	N	4	80	60	8	8
OH	Adult care facilities	3-16	N	N	4	80	60	8	8
	Residential care facilities	17+	N	N	3	100	80	8	8
OK	Residential care home	NS	N	N	NS	80	60	6	10
	Assisted living centers	2	N	N	2	**	**	4	4
OR	Assisted living facilities	6	Y	Y	1	220	NA	1	1
	Residential care facilities	6	N	N	2	70	120	6	10
PA	Personal care homes	4	N	N	4	80	60	6	15
RI	Assisted living facilities	2	N	N	2	100	80	8	10
SC	Community residential care facilities	2	N	N	4	80	60	8	10
SD	Assisted living centers	2	N	N	2	120	220	1	1
TN	Assisted living facilities	NS	N	N	2	80	160	6	6
	Homes for the aged	1	N	N	2	80	80	6	6
TX	Assisted living facilities	4	N	Y	4	100*	80*	6	6
UT	Assisted living facilities type I	2	N	N	2	100	160	6	10
	Assisted living facilities type II	2	N	Y	2	120	200	4	10
VA	Assisted living facilities	4	N	N	4	100	80	7	10
VT	Residential care facilities	3	N	N	2	100	80	8	8
	Assisted living facilities	NS	Y	Y	2	225	NA	1	1
WA	Boarding homes	7	N	N	2	80	70	8	12
	Assisted living facilities (Medicaid)	7	Y	NA	1	220	NA	1	1
WV	Assisted living residences	4	--	--	2	100	180	6	10
	Residential care communities	17	Y	Y	2	300	*	NS	NS

TABLE 2-2 (continued)

State	Category	Size Definition ¹	Apt Required	Sharing by Choice? ²	Max # Occupants	Size-Single	Size 2+ ³	#/Toilet	#/Bath
WI	Residential care apartment complexes	NS	Y	Y*	2	250	NA	NS	NS
	Community-based residential facilities	5	N	N	2	100	80	8	8
WY	Assisted living facilities	NS	N	N	2	120	80	2	10
	Boarding homes								

NOTES:

M: Moratorium. NR: Not reported. NA: Not applicable. NS: Not specified. **/ See state notes below.

1. This column presents the number of units/beds included in the definition of the licensing category, e.g., serving four or more individuals.
2. Indicates whether residents share units by choice.
3. Square footage in shared units is total square footage for two residents or square footage per resident in rooms for two or more.

**** STATE NOTES:**

AL: Private room with sitting areas, 160 square feet. Double room with sitting area, 200 square feet.

AR: Rules for assisted living require apartments.

AZ: Unit size figures are for rooms/apartment units. Apartments are required in centers that contract with the ALTCS (Medicaid) Program.

CA: Choice whenever possible. No requirements for size of bedrooms.

CT: Rules only address requirements for assisted living service agencies. Unit requirements are specified by the housing funding source.

DE: Space requirements are not specified.

FL: Facilities licensed after October 1999. Four persons may share a room in standard facilities licensed prior to 1999.

IA: Additional habitable rooms in any unit must be at least 70 square feet.

IL: Nursing homes converting a portion of a facility to supportive living must offer apartments with 160 square feet for single occupancy and 320 square feet for units shared by two persons.

LA: Rules require 250 square feet of living space. Units with two bedrooms must have 190 square feet of living/dining/kitchen space and 120 square feet for each bedroom.

MA: New construction requires private bathroom and kitchenette or access to cooking capacity. Existing construction requires private half bathroom. Full bathrooms may be shared by up to three residents. Bedrooms may be shared.

MN: Licensing rules apply to service providers. Local codes apply to the building based on its use.

NE: New construction facilities must have a toilet and sink adjoining each bedroom. Existing or new facilities may have shared toilet rooms provided the following: one toilet for every six beds in existing facilities; one toilet per four beds in new facilities. Facilities must provide a bathing facility consisting of a tub and/or shower adjacent to each room or provide a central bathing room. In existing facilities, rooms must have 80 square feet and in multiple occupancy rooms 60 square feet per bed with no more than four persons occupying a room. In new construction, apartments must have 150 square feet for one resident and 110 square feet for each additional resident. In existing facilities, apartments must have 120 square feet for one resident and 100 square feet for each additional resident.

NJ: ALPs operate in conventional publicly subsidized senior housing complexes.

NY: Assisted living programs comply with the relevant requirements under which the contracting facility is licensed (i.e., adult home or enriched housing program).

ND: Rooms for three or more, 70 square feet per bed. There are no unit requirements for assisted living facilities. New rules define a living unit as a portion of an assisted living facility occupied as the living quarters of an individual who has entered into a lease agreement with an assisted living facility.

OK: Regulations do not specify requirements for the size of bedrooms.

TX: Type A facilities require 80 square feet for single occupancy and 60 square feet per resident in multiple occupancy rooms.

TABLE 2-2 (continued)

UT: A single occupant unit without additional living space shall be a minimum of 120 square feet. A double occupant unit without additional living space shall be a minimum of 200 square feet. A single occupant bedroom in a unit with additional living space shall be a minimum of 100 square feet. A double occupant bedroom in a unit with additional living space shall be a minimum of 160 square feet..

WV: Multi-occupancy apartments must have at least 80 square feet of bedroom space per resident and no more than two residents may occupy an apartment.

WI: Allows sharing with a spouse or a roommate chosen by the tenant.

TABLE 2-3. Requirement for Facilities Serving Residents with Dementia

	AL	AK	AZ	AR	CA	CT	CO	DE*	FL	GA	HI	ID	IL*	IN	IA	KS	KY*
Training	X		X	X	X		X		X			X		X	X	X	
Staffing	X		X	X									X		X		
Activities	X		X		X				X			X	X				
Environment			X	X	X		X		X			X	X		X	X	
Disclosure				X	X			X	X	X		X	X				X
Other	X			X				X									X
	LA	ME	MD	MA	MI	MN	MS	MO	MT*	NE*	NV*	NH	NJ	NM	NY*	NC	ND
Training		X	X	X	X	X	X	X	X	X	X				X	X	X
Staffing			X	X			X	X	X	X	X				X	X	
Activities		X	X				X	X			X					X	
Environment		X	X				X	X	X	X	X				X	X	
Disclosure		X	X		X	X		X	X			X				X	
Other			X	X			X	X	X	X	X				X		
	OH	OK	OR	PA	RI*	SC	SD*	TN*	TX	UT	VA	VT	WA	WV	WI	WY*	
Training	X		X	X	X	X	X		X	X	X	X	X	X	X	X	
Staffing		X	X	X	X				X		X			X		X	
Activities	X		X	X			X		X		X		X	X		X	
Environment	X		X		X				X		X		X	X		X	
Disclosure	X	X	X	X	X	X		X	X			X					

***STATE NOTES:**

DE: Facilities must develop policies to prevent wandering and safe storage of medications.
 IL: An Alzheimer's facility has been selected for one pilot program, and it must meet all applicable state, federal, and local requirements.
 KY: Lease agreements contain a description of special programming, staffing or training for serving clients with special needs.
 MT: Requirements for administrators.
 NE: Admission and discharge criteria.
 NV: Administrators have three years experience serving people with Alzheimer's disease or equivalent education and training.
 NY: See state summary. May not operate dementia units without written authorization from the Department of Health.
 RI: Philosophy and criteria for placement.
 SD: Also have fire safety/evacuation provisions.
 TN: An interdisciplinary team must review residents with early stage Alzheimer's disease to examine appropriateness of placement on a quarterly basis.
 WY: Facilities must provide cuing with guidance for ADLs for people who are intermittently confused and/or agitated and require occasional reminders to time, place, and person.

TABLE 2-4. Requirements for Resident Agreements

	AL	AK	AZ	AR	CA	CT	CO	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY
Services included in the basic rate	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cost of the basic service package	X	X	X	X	X		X	X	X	X	X		X	X	X		X
Accommodations included		X							X								
Terms of occupancy		X	X	X		X		X					X				X
Period covered	X			X							X		X				
Services beyond basic rate	X		X	X	X			X	X	X	X		X	X	X		X
Cost of additional services	X			X	X	X		X	X	X			X		X		
Services not available/not covered							X	X	X								
Temporary absence policy			X				X	X	X				X				
Payment/billing provisions				X	X	X		X					X		X		
Statement of resident's rights		X				X	X	X	X				X				X
Admission/discharge criteria						X	X		X				X	X	X		X
Refund policy	X	X	X	X	X		X		X			X	X				X
Provisions for changing rates			X	X	X	X		X	X				X	X			X
Termination provisions	X	X	X	X	X							X	X				X
Purpose of deposits/advance payments		X					X		X								
Grievance process			X			X	X	X	X				X		X		X
Other	X	X		X	X		X	X	X	X		X	X		X	X	X
	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND
Services included in the basic rate	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cost of the basic service package	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accommodations included		X		X						X		X			X	X	X

TABLE 2-4 (continued)																	
	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND
Terms of occupancy			X	X	X					X						X	
Period covered				X			X									X	
Services beyond basic rate	X			X		X	X	X			X	X			X		
Cost of additional services	X	X		X		X	X	X			X	X	X				
Services not available/not covered		X	X	X					X								
Temporary absence policy			X								X		X	X			
Payment/billing provisions	X		X	X	X	X			X	X	X			X	X		X
Statement of resident's rights		X	X	X	X				X				X			X	
Admission/discharge criteria	X	X	X	X	X	X	X		X				X	X		X	X
Refund policy		X	X	X	X		X		X		X				X	X	X
Provisions for changing rates	X	X	X			X	X		X					X	X		X
Termination provisions				X						X		X			X		X
Purpose of deposits/advance payments		X							X			X					
Grievance process		X	X	X		X			X						X	X	
Other	X		X	X	X			X	X			X	X	X	X	X	
	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VA	VT	WA	WV	WI	WY	
Services included in the basic rate	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	
Cost of the basic service package	X		X	X			X	X	X	X	X	X	X	X	X	X	
Accommodations included							X				X	X					
Terms of occupancy	X	X	X		X							X		X			
Period covered	X	X	X									X					
Services beyond basic rate			X				X			X		X	X		X		
Cost of additional services			X	X			X			X		X	X	X	X	X	

TABLE 2-4 (continued)

	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VA	VT	WA	WV	WI	WY
Services not available/not covered			X									X				
Temporary absence policy				X			X					X	X		X	X
Payment/billing provisions	X		X	X							X	X				X
Statement of resident's rights	X		X	X	X	X			X			X		X		
Admission/discharge criteria	X	X	X		X	X		X	X	X		X		X		X
Refund policy	X		X	X					X	X	X	X		X		X
Provisions for changing rates			X	X		X				X	X			X	X	
Termination provisions	X	X	X	X						X		X		X		X
Purpose of deposits/advance payments			X								X					
Grievance process		X	X		X	X	X									X
Other		X		X	X		X		X	X	X		X	X	X	

STATE NOTES:

- AL: A statement that the facility is not staffed to provide skilled nursing or care for residents with severe cognitive impairments.
- AK: Duties and obligations of the resident.
- AR: Health care services available through home health agencies; parameters for pets; policy on acceptance of responsibility for personal funds and valuables; responsibility for medication; a copy of facility rules; and provisions for emergency transfers.
- CA: A monthly statement of services and charges; a statement acknowledging the acceptance or refusal to purchase the additional services shall be signed and dated by the resident or the resident's representative and attached to the admission agreement; an explanation of the use of third-party services within the facility that are related to the resident's service plan, including, but not limited to, ancillary, health, and medical services, how they may be arranged, accessed, and monitored, any restrictions on third-party services, and who is financially responsible for the third-party services; the facility's policy concerning family visits and other communication with residents; refund policy; conditions under which the agreement may be terminated; and an explanation of the resident's right to notice prior to an involuntary transfer, discharge, or eviction, the process by which the resident may appeal the decision and a description of the relocation assistance offered by the facility.
- CO: Transportation services; therapeutic diets; and whether the facility will be responsible for providing bed and linens, furnishing and supplies. There must also be written evidence that the facility has disclosed the policies and procedures (admissions; discharges; emergency plan and fire escape procedures; illness, injury or death; smoking; management of residents' funds; investigation of abuse and neglect allegations; and restrictive egress devices); method of determining staffing levels and the extent to which certified or licensed health professionals are available on-site; whether the facility has an automatic sprinkler systems; if the facility uses restrictive egress alert devices and the types of individual behaviors exhibited by persons needing such devices.
- DE: Transfer procedures, security, staff's right to enter a resident's room, resident rights and obligations, temporary absence policy, interim service arrangement during an emergency, obligations of the facility, and a listing of the resident's personal belongings. The financial areas include the party responsible for handling finances, obtaining equipment and supplies, arranging services not covered by the contract, disposing of belongings.
- FL: Statement of any religious affiliation; notice of transfer if the facility is not able to serve the resident.

TABLE 2-4 (continued)

<p>GA: Copy of house rules; provisions for ongoing resident assessments; provisions for transportation services; authorization to release medical records.</p> <p>ID: Whether or not the resident is responsible for his or her own medications; statement regarding managing personal funds; conditions for emergency transfers; permission to transfer information.</p> <p>IL: Statement of the annual licensing on-site review process; statement that Medicaid is not available for payment of services; description of the process for terminating or modifying the contract; the admission, risk management, and termination procedures; and policy concerning notification of relatives of changes in the resident's condition.</p> <p>IA: Statement regarding the impact of the fee structure on third-party payments and whether they are accepted; emergency response policy; staffing policy and whether staff are available 24 hours a day; whether nurse delegation will be used and staffing will be adapted to meet changing needs.</p> <p>KS: Negotiated service agreement; provider of services; agreement supports individual dignity, choice, privacy, etc.; addresses services refused by resident and resident's acceptance of risk.</p> <p>KY: Assisted living residences: 30-day notice of move-out for non-payment, assistance finding appropriate housing, other community rights, practices and procedures, policy concerning the ability to contract directly with outside agents, professionals, providers, or other individuals.</p> <p>LA: Authority of the licensing agency to review records; responsibilities for overseeing medical care; purchasing supplies and equipment. Must allow review by an attorney.</p> <p>MD: Includes a clear and complete reflection of commitments and actual practices; level of care for which the facility is licensed; obligations of all parties for arranging for medical care and other provisions (see summary).</p> <p>MA: Sponsor's covenant to comply with applicable laws; reasonable rules for staff, management, and resident behavior, and limits on what the residence will as well as policy on self-administration of medication.</p> <p>MI: AFC: Assurance of provision of care, supervision, and protection; agreement to provide necessary intake information and current health appraisal; statement of how funds and valuables are handled; statement that the home is licensed to provide care.</p> <p>MO: Right to make treatment decisions; provisions in a medical emergency; state laws relating to advance directives.</p> <p>MT: Availability of skilled nursing and other professional services from third-party payers; specific assistance available with ADLs.</p> <p>NE: Included in the terms of occupancy requirement.</p> <p>NH: Notification required for involuntary and emergency transfer.</p> <p>NJ: Some information is provided during admission interviews.</p> <p>NY: Includes a list of services, material, equipment required by law; guarantee that supplemental services are made at the resident's option; offer to manage funds received from public sources; statement that the resident will provide a signed medical statement and inform operator of changes in health conditions, status, or medications.</p> <p>NC: Policy on smoking, alcohol consumption, and visitation.</p> <p>OH: A statement is included about discharge of residents when skilled nursing needs exceed their capacity.</p> <p>OK: Conformity with state law.</p> <p>PA: Amount of personal needs allowance; method of payment for long distance calls; financial management arrangements; explanation of annual screening and medical evaluation requirements.</p> <p>RI: Also includes shared space and facilities, special care provisions, resident responsibilities and house rules, and evaluation and service plan. A general provision called financial terms would cover cost of services, additional charges, and refunds.</p> <p>SD: Policies for protection of personal funds; list of names, addresses, and numbers of client advocates; how to contact the resident's physician; how to apply for Medicare/Medicaid.</p> <p>TN: Information on the cost of services is provided to residents but it is not part of the agreement. The agreement includes the procedure for handling transfers and discharges.</p> <p>TX: See summary. Some provisions are part of the disclosure requirement or part of the written policies of the facility.</p> <p>UT: Notice that the state has the authority to examine resident records.</p> <p>VT: See state summary.</p>

TABLE 2-4 (continued)

VA: Stipulation about the transfer of ownership of any property, real estate, or money to the facility; description of the type of staff, services available and the hours of service.

WA: Rules of operation.

WV: 1. Personal care homes: house rules; how emergencies are addressed; arrangement for transportation; procurement and payment for medications; storage and administration of medications. 2. Residential board and care homes: how health care will be provided; provide copies of all inspection reports; how to access activities and assurances that the home offers services to meet identified needs. 3. Residential care communities: procurement and payment for medications; storage and administration of medications; assurance that the resident is not liable for undisclosed costs; assurance that the individual's needs will be met.

WI: 1. CBRFs: bed hold fee. 2. RCAC: Some of the requirements are posted and others are included in a service agreement. Activity and social connections the resident will be assisted in maintaining.

WY: Managers are required to establish policies in the specified areas that are available to residents and staff on items that are normally specified in resident agreements.

TABLE 2-5. Staff Training Requirements (see note)

State	Initial	Annual	State	Initial	Annual	State	Initial	Annual
AL	Topics	Topics	KY	Topics	Not specified	ND	Topics	Not specified
AK	Topics	12 hours	LA	Topics	Annual plan	OH	Training course	Not specified
AZ	Topics/hours*	12 hours	ME	Complete course	8 hours/2 years	OK*	8 hours	8 hours
AR	Topics	6 hours	MD	Topics*	Topics	OR	Topics	Not specified
CA	Topics	Plan	MA	7 hours	10 hours	PA	Topics	Not specified
CO	Topics	Topics	MI	Topics	Not specified	RI*	Topics	Not specified
CT	10 hours/topics*	6 hours	MN	Competency test	Not specified	SC	Topics	General
DE	Topics	12 hours	MS	Topics	Quarterly	SD	Topics	Not specified
DC	40 hours	12 hours	MO*	1 hour	Not specified	TN	Not specified	Not specified
FL	26 hours*	Not specified	MT	Topics/16 hours*	Not specified	TX	16 hours	6 hours
GA	Topics	16 hours	NE	Topics	12 hours	UT	Topics	Not specified
HI	Topics	6 hours	NV	General	8 hours	VT*	Topics	20 hours
ID	8 hours	8 hours	NH	Topics	Topics	VA	Topics	12 hours
IL	20 hours	12 hours	NJ	Complete course	20 hours/2 years*	WA*	Topics/ competency test	Not specified
IN	Topics	Topics/hours*	NM	Complete course	Topics	WV	Topics	Topics
IA	Plan on file	Not specified	NY	Complete course	Not specified	WI	Topics	Not specified
KS	Topics	Topics	NC	Complete course	Not specified	WY	Topics	Not specified

NOTE:

Rules specifying a number of hours also include topics that are covered. Rules listing topics only do not specify how many hours of training are needed.

***STATE NOTES:**

AZ: Hours/topics vary by level of licensing.

CT: Aides must pass a competency exam.

FL: Core training for staff is 26 hours. Additional hours are required for specific tasks or settings e.g., medication assistance (4) and extended congregate care (2).

IN: Nursing staff, 8 hours per year; non-nursing staff, 4 hours per year.

MD: For Medicaid waiver programs, 8 hours on medication administration is also required.

MO: Complete course for medication administration.

MT: Topics are listed for category A and 16 hours of training in services provided by category B facilities.

NJ: 20 hours every 2 years; medication aides, 10 hours every 2 years.

OK: For residential care homes.

RI: Medicaid waiver: one hour orientation; 12 hours annual.

VT: For residential care homes.

WA: Additional requirements for Medicaid providers.

TABLE 2-6. Comparison of State Reimbursement Policy

State	Coverage		Payment Method	Rates	Rates Include R&B	R&B Limits	Family Supplement	Personal Needs Allowance	SSI Payment Standard
	Date	Method							
AL	NA	Waiver submitted	TBD					\$30.00	\$564.00
AK	1993	Waiver	Tiered	\$70.54-93.70	N	No	No policy	\$100.00	\$907.00
AZ	1989	Waiver	Tiered	\$34.67-87.10*	Y	\$497.10	Y	\$66.90	\$564.00
AR	1993 2003	State plan Waiver	Care plan Tiered	\$790.40 cap \$39.51-49.91	N	No	No policy	\$30.00	\$564.00
CA	Planning	Planned	TBD					\$111.00	\$853.00
CO	1984 1987	Waiver State funds	Flat	\$36.03/day	N	\$518	Y	\$46.00	\$564.00
CT	2003 NR	Waiver State funds	Tiered	\$65/day cap	N	% of income*	N	\$164.00	\$1692 cap*
DE	1999	Waiver	Tiered	\$940-\$1460	N	\$598	N	\$106.00	\$704.00
DC	Approved	Waiver	TBD				No policy	\$70.00	\$564.00
FL	1997 2001	Waiver State funds	Flat Flat	\$28/day \$9.28/day	N	No	Y	\$54.00	\$642.40
GA	1981	Waiver	Flat	\$31.04/day	N	\$475	Y	\$89.00	\$564.00
HI	2000	Waiver	Flat	\$58.46/day*	N	\$418	No policy	\$150.90	\$568.90
ID	1999 2000	Waiver State plan State funds	Care plan Care plan	Capped/NF cost \$921.92*	N N	\$497* \$497*	Y	\$67.00	\$564.00
IL	1999	Waiver	Regional variations	\$45.54-61.94	N	\$474*	N	\$90.00	\$564.00
IN	2001	Waiver	Tiered	\$45.86-61.68	N	\$512	No policy	\$52.00	\$564.00
IA	1990	Waiver	Care plan	Cap of \$1,025	N	No	Y	\$30.00	\$564.00
KS	1997	Waiver	Care plan	Varies.	N	No	Y	\$30.00	\$564.00
KY	NA							NS	\$906.00
LA	NA	Planned						NS	\$564.00
ME	1970s 1990	State funds State plan Waiver	Care plan Cost based/ case-mix	Varies	&	% of income	Y	\$50.00	\$574.00
MD	1993 1986	Waiver State funds	Tiered	\$1611-\$2031*	Y	\$420	N	\$60.00	\$564.00
MA	1992	State plan	Flat	\$37.75 per day	N	N	No policy	NS	\$1018.00
MI	1983	State plan	Flat	\$174.38	N	N	Y	\$44.00	\$724.30* \$721.50

TABLE 2-6 (continued)									
State	Coverage		Payment Method	Rates	Rates Include R&B	R&B Limits	Family Supplement	Personal Needs Allowance	SSI Payment Standard
	Date	Method							
MN	1988 1991	Waiver State funds	Case-mix	\$1029-\$2392*	N	\$674	Y	\$72.00	\$752.00
MS	2001	Waiver	Flat	\$33.18/day	N	\$520	No policy	\$44.00	\$564.00
MO	1993 1973	State plan State funds	Care plan	Varies/capped at NF cost	N	N	Y	\$25.00	\$720.00 \$856.00
MT	1994	Waiver	Care plan	\$520-\$1800*	N	\$525		\$100.00	\$625.00
NE	1998	Waiver	Flat (rural/urban variations)	\$1520-2150*	Y	\$504	N	\$60.00	\$564.00
NV	1993	Waiver	Flat	\$20, \$45, \$60/day	N	N	No policy	\$88.00	\$914.00
NH	1999	Waiver	Flat	\$50/day \$1250/month*	N Y	N Y	Y	\$50.00	\$758.00
NJ	1997	Waiver	Setting*	\$2130.55- \$2430.55	Y	\$631.50	Y	\$80.50	\$714.05
NM	1996	Waiver	Flat	\$50.50/day	N	\$1024	No policy	\$30.00	\$664.00
NY		State plan	Case-mix	Varies by county and case-mix	N	N	Y	\$70.00* \$115.00	\$969.00- \$999.00*
NC	1995	State plan	Case-mix	Varies/\$49.62 max*	N	\$1066	Y	\$46.00	\$1132.00
ND		Waiver State funds	Care plan Care plan	\$80/day cap \$40/day cap	N N	\$375 NR	Y Y	\$60 NS	\$564.00
OH	NA							\$50.00	\$850.00
OK	NA							\$50.00	\$564.00
OR	1990	Waiver	Tiered	\$1144-\$2399	Y	\$455.70	N	\$110.00	\$565.70
PA	2000	Waiver demo	Care plan	Cap 80% of NF	N	\$898.30	N	\$60.00	\$958.30
RI	1999	Waiver	Flat Flat	\$37/day* \$1400	N Y	N N	N	\$100.00	\$1159.00
SC	2002	State plan	Flat	\$12.80/day	N	\$865.00	N	\$47.00	\$912.00
SD	1988	State funds Waiver	Flat Flat	\$1094 \$43.92/day	Y	\$534.00	N	\$30.00	\$1094.00 \$564.00
TN	NA							NS	\$564.00
TX	1994 1985	Waiver State funds	Tiered	\$23.21- \$59.88/day	N	\$479	N	\$85.00	\$564.00
UT	2000	1915 (a)	Negotiated	Negotiated	Y	NA	Y	\$45.00	\$560.00
VA*	NA							\$62.00	\$833.00- \$958.00

TABLE 2-6 (continued)

State	Coverage		Payment Method	Rates	Rates Include R&B	R&B Limits	Family Supplement	Personal Needs Allowance	SSI Payment Standard
	Date	Method							
VT	1996	Waiver	Tiered	\$42-\$55	N	\$564	N	\$47.76	\$592.66 III
	1999	State plan	Flat	\$30.25*					\$735.94 IV
WA	1991	Waiver	Tiered	See summary	Y	\$453.16	N	\$58.84	\$564.00
WV	2004	Waiver approved						\$69.00	\$627.00
WI	1997	Waiver State funds	Care plan Care plan	Cap \$77.81* No cap	N	\$626.77	Y	\$65.00- \$240.00	\$647.78*
WY	2001	Waiver	Tiered	\$32-\$40/day	N	N	No policy	NS	\$564.00

GENERAL NOTES:

TBD: To be determined

NR: Not reported

NA: Not applicable

NS: Not specified

1. SSI Payment standard includes a state supplement, if available. The standards include an amount retained by the beneficiary as a personal needs allowance (PNA). The PNA varies by state.

AZ: Payments vary by three levels of care and by setting: adult family care, assisted living homes, assisted living centers.

CT: Pilot program with the Housing Finance Agency to create affordable assisted living. The SSI rate in residential care homes is based on the rate for the facility but cannot exceed \$1,692 less a personal needs allowance of \$90.70. The payment is lower in the assisted living pilot. The PNA is \$164 and there is a meal allowance of \$300 and up to a \$400 allowance for rent.

HI: This rate is for facilities of six or more beds; the rate for five or less is \$1066.90.

ID: The room and board amount is a suggested cap. State plan service cap is based on a rate of \$13.40 an hour, maximum 16 hours per week.

IL: In addition to the Medicaid payment, participating facilities receive an average of \$97 a month in food stamp benefits.

MD: Additional amounts are allowed for assistive equipment and environmental modifications which may be more likely to be applied to in-home settings.

MI: Payment rate for Homes for Aged is \$724.30; Adult Family Care, \$721.50. PNA is the same for both categories.

MN: Statewide average costs with caps that vary by county.

MT: Actual rate depends on a scoring of functional needs.

NE: Rates vary by urban/rural and single/double occupancy.

NH: Elderly housing with services sites receive \$50 a day; licensed facilities receive \$1,250 a month.

NY: Payment standards and the PNA varies by groupings of counties.

NC: Rate varies using a base rate and additional components determined by the combination of ADL needs.

RI: A regular waiver and a pilot program are operating. The room and board charge for both programs is set by the facility. The regular waiver pays the difference between \$1,400 and the room and board charge. Room and board is not related to the Medicaid payment under the pilot waiver. SSI beneficiaries participating in the two waivers retain a PNA of \$100. SSI beneficiaries not in the waiver retain a PNA of \$55. Facilities receive one month prospective payment and would hold the unit for the remainder of the month.

VA: The state continues to support residents with state funds who were formerly covered by a Medicaid waiver that was not renewed. The SSI benefit varies by grouping of the counties.

VT: \$30.25 for residents receiving Assistive Community Care Services (ACCS); the higher tiers include ACCS and Medicaid waiver services. Room and board of \$564 is allowed in facilities participating in the ACCS program. The SSI rates for Level III and IV are in facilities that do not participate in ACCS.

TABLE 2-6 (continued)

WI: Actual rates negotiated by counties. Cap is based on 85 percent of the cost of nursing facility care. Family supplementation allowed by the state agency; counties set their own policy. PNA amounts are also set by counties. Residents in certified RCACs may qualify for an additional state supplement of \$95.99 if they have exceptional needs.

WV: A pilot program in public housing in four counties was approved in August 2004.

STATE RESIDENTIAL CARE AND ASSISTED LIVING POLICY: 2004

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Cover, Table of Contents, and Acknowledgments

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Tennessee	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#TN.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-TN.pdf
Texas	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#TX.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-TX.pdf
Utah	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#UT.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-UT.pdf
Vermont	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#VT.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-VT.pdf
Virginia	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#VA.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-VA.pdf
Washington	HTML PDF	http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#WA.htm http://aspe.hhs.gov/daltcp/reports/2005/04alcom-WA.pdf

West Virginia
HTML
PDF

<http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#WV.htm>
<http://aspe.hhs.gov/daltcp/reports/2005/04alcom-WV.pdf>

Wisconsin
HTML
PDF

<http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#WI.htm>
<http://aspe.hhs.gov/daltcp/reports/2005/04alcom-WI.pdf>

Wyoming
HTML
PDF

<http://aspe.hhs.gov/daltcp/reports/2005/04alcom3#WY.htm>
<http://aspe.hhs.gov/daltcp/reports/2005/04alcom-WY.pdf>