



New State Regulations for Assisted Living Residences

As of July 1, 2015, all 236 Assisted Living Residences in Massachusetts must be in full compliance with the revised certification regulations. There are two revisions which are particularly important to health care planning and to honor an adult's choices for care. The two revisions are as follows:

1. Before a resident moves in, a nurse must complete a screening and ask whether the resident has "legal representation or any person who has decision-making authority and the scope of that authority", and make a note in the resident's record; and,
2. If the resident has a serious advancing illness, the staff must offer information regarding a full range of end of life care treatment options to the resident, Health Care Agent or Guardian.

The new regulations state that prior to a resident moving into an assisted living community, a nurse must conduct an initial screening to assess a resident's abilities, service needs and preferences. As part of the pre-admission screening, residents are asked if they have "legal representation or a person with decision-making authority and the scope of that authority", or if the resident has appointed a Health Care Agent in a Health Care Proxy to make health care decisions on their behalf if the adult is unable to make effective decisions, or appointed an Attorney-in-fact in a Durable Power of Attorney to make financial decisions on their behalf, or if a Guardian and Conservator has been appointed by the court. The nurse must note the resident or Agent or Guardian's response in the record and ask for a copy of a court order if any. Residents can choose whether to share a copy of their personal planning documents. Sharing a copy of your Health Care Proxy and placing it in your record helps to ensure that the staff knows how to contact your Health Care Agent to make health care decisions on your behalf.

The assisted living residence must also distribute culturally and linguistically suitable information regarding a full range of end of life care treatment options to residents with serious advancing illness or those where palliative care would be helpful. Assisted living residences now join licensed hospitals, clinics, and long term care facilities in honoring a person's right to have information about advance care planning, the MOLST form, palliative care and hospice care in order to make informed choices about the care they want and don't want. Staff will distribute an informational guide called "[Know Your Choices: A Guide for Patients with Serious Advancing Illness](#)" to the resident, Health Care Agent or Guardian. The guide is available in 10 languages: English, Spanish, Russian, Traditional Chinese, Vietnamese, Haitian Creole, Cape Verdean, Khmer, Portuguese, and Arabic. Click here to download a free copy. <http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/ppgi/initiatives/end-of-life-care.html>

For Massachusetts adults in assisted living residences, their Health Care Agents and Guardians, the revised certification regulations strengthen and protect every adult's right to choose a Health Care Agent or Attorney-in-fact, and to receive comprehensive information about end of life care treatments to make informed decisions. You can read about the regulations at <http://www.mass.gov/elders/regs-stats/housing/assisted-living-certification-regs.html>