

Brian Doherty, President and CEO's Update

Recap of Assisted Living Issues in the 2017-2018 Massachusetts Legislative Session Impacts on Your Residences

Dear Mass-ALA Members,

Much of the focus of our education and news updates is on regulations. Many regulations that impact assisted living begin as legislation, so one of the important aspects of Mass-ALA's advocacy comes in the form of monitoring and providing input on pending legislation so that the impact on our communities is proactively considered. The Massachusetts legislature's formal session for 2017-2018 ended on August 1st. Although the legislature will continue to meet through the end of 2018 in informal sessions, only non-controversial legislation can pass during this time. We will, however, remain vigilant and watch for any legislative action in the coming months. Since this legislative session began in January 2017, Mass-ALA has monitored activity at the State House and advocated for seniors and assisted living communities on many issues. Here is a recap of some of the key issues Mass-ALA worked on, as well as legislation that passed and will now impact assisted living.

Common Sense Health Services

Mass-ALA advocated strongly for "An Act authorizing the option of providing common sense health services for residents of assisted living residences," which would provide the option of offering certain basic health services (injections, dressing changes, Oxygen management, application of drops and ointments) in certified assisted living communities in order to serve residents with specific health needs that might otherwise cause them to prematurely enter skilled nursing facilities. The bill made significant progress this session as it was reported favorably from the Committee on Elder Affairs, reported "ought to pass" by the Committee on Health Care Financing, and referred to Senate Ways and Means. While it did not ultimately pass, we have strategies to build on the progress made this session both this fall, and when it is refiled in January. The Boston Globe recently published a letter we submitted in part to promote and educate the public on the Common Sense Health Services bill. You can read the published letter [here](#).

Medicaid Frail Elder Services Waiver

Another top priority for Mass-ALA this legislative session was the Medicaid Frail Elder Home and Community Based Waiver, which would allow lower income older adults to have the option of choosing to reside in an assisted living community, just as they could if they resided in 43 other states. This bill would help promote affordable assisted living opportunities. This bill was reported favorably by the Committee on Elder Affairs, reported "ought to pass" by the Committee on Health Care Financing, and referred to Senate Ways and Means, but did not ultimately pass. The Executive Office of Elder Affairs (EOEA) is working with Mass ALA to advance this objective without legislative action, so stay tuned for more updates on its progress this fall.

Alzheimer's Awareness

A bill to advance Alzheimer's awareness and treatment, "An Act relative to Alzheimer's and related dementias in the Commonwealth" was passed by both the House and Senate and signed by the Governor this session. It will require training of physicians, physician assistants and registered and practical nurses who treat patients with Alzheimer's and other forms of dementia to provide better care for those patients. While the bill does not directly impact or impose requirements on assisted living communities, it will improve care for residents with dementia when they are treated in hospitals and other settings. Argentum, the national assisted living association, promoted the passage of this legislation in a recent update to all members nationwide, sharing the Boston Globe's front-page report on the impact of the legislation, which you can read [here](#).

Staff Training on Working with LGBT Residents

As a part of the passage of the state budget, a provision was included that requires all assisted living staff in Massachusetts to complete training on preventing and eliminating discrimination based on sexual orientation, gender identity and expression and improving access to services for lesbian, gay, bisexual, and transgender residents. Mass-ALA supported this requirement and will be monitoring EOEA's development of guidelines to keep members informed of what they should do to comply with this requirement and ensure that staff are trained to serve these populations.

Non-compete Agreements

Another issue that Mass ALA has monitored in recent years and was acted on in the final hours of this session is a bill on non-compete agreements. Under a section included in a larger economic development bill, non-compete agreements would be permissible, but only where the restricted period is limited to one or two years, depending on the situation. It also contains a garden leave clause allowing workers to collect a percentage of their salary while prohibited from working elsewhere. More information on how this new law will regulate non-compete agreements is available [here](#).

Mass-ALA will be developing a legislative agenda for the 2019-20 legislative session this fall, and we look forward to sharing that with you. We will continue to strongly advocate for assisted living and keep you updated. Thank you for your continued membership and participation.