

# Assisted Living Federation of America Core Principles

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Assisted Living is regulated in all 50 states and ALFA supports the continuation of regulatory oversight at the state level. ALFA does not recommend one singular approach to regulatory oversight but rather supports sufficient flexibility to allow adaptation to state needs. However ALFA does support certain core principles that we believe should be included in every state's assisted living legislative or regulatory framework.

ALFA intends this document to be a statement of what the organization stands for, and as a guide for states that are reviewing the assisted living regulatory framework.

## PHILOSOPHY OF ASSISTED LIVING

The philosophy of assisted living is unique and in many ways serves as the cornerstone of assisted living. Too often state regulations either fail to address the philosophy, or include a philosophy that is traditionally applied to nursing homes and is not a true reflection of the more independent resident-centered mission of assisted living.

- ALFA supports the unique philosophy that distinguishes assisted living from other long term care options. The goal of assisted living is to both provide resident-centered care, and provide that care in a residential setting. The philosophy provides residents freedom of choice, independence, and the opportunity to live as before, aging with dignity, privacy and respect. In contrast to other long term care options, Assisted Living embraces quality of life as well as quality of care, and supports the resident's decision to live and die in the place they now call home.

## LICENSURE OF ASSISTED LIVING

There is some confusion by the public, media and elected officials concerning the licensure/certification status of assisted living. Every state has a regulatory framework for licensing assisted living communities, although not every state has chosen to use the term assisted living. Providers of assisted living that choose to operate outside the sanctioned state regulatory framework, are not subject to state oversight and therefore do a disservice to consumers.

- ALFA supports the licensure of all assisted living communities.
- ALFA supports annual unannounced surveys by the state licensing agency to determine regulatory compliance, with the option for communities that have demonstrated consistent compliance to have a longer survey cycle or abbreviated survey process.
- ALFA supports the Informal Dispute Resolution (IDR) process, which is the informal method by which assisted living residences are offered an opportunity to resolve disagreements surrounding survey deficiencies. ALFA believes that providers should have available a fair and yet simple IDR process to avoid unwarranted deficiencies.
- ALFA supports fines, closures and other sanctions for communities that are in serious violation of state regulations and who endanger the health, safety and welfare of residents, provided there is appropriate due process.

## CONSUMER DISCLOSURE

The decision on where to live is a personal decision that requires thoughtful planning.

The resident-centered focus of assisted living contributes to a variety of communities to meet the varied needs of elderly consumers. The expansive choices available to consumers can sometimes be overwhelming. Consumer disclosure is key to help consumers understand the differences among assisted living communities and select the one that best meets their needs or the needs of a loved one.

- ALFA supports the need for every community to provide a consumer friendly disclosure document that is distributed to prospective residents and families. The disclosure statement should include information about services, costs, and limitations on care delivery and move in and move out processes.
- ALFA supports a residency agreement that is provided in addition to the consumer disclosure document, to supplement but not duplicate the necessary information.

## INFORMED CHOICE

The decision on when to move out of an assisted living community is a personal decision that takes thoughtful planning. Unfortunately too frequently the decision on when a resident has to leave an assisted living community is made not by the resident or family, but by state regulations.

- ALFA supports consumer choice in determining where to live. The decision to move in or remain in assisted living is a personal decision that should be consumer driven and should not be determined by placing arbitrary move in and move out criteria on the resident. The decision should be an informed choice with providers fully disclosing their programs, services and fees, (see disclosure principle) so that the resident and family can make an informed choice about where to live.
- ALFA supports a decision-making process that involves the provider, resident/resident's family and physician to make the decision. This decision includes end of life planning.

## HOSPICE

One of the most difficult decisions family members and loved ones need to make is where to live at the end of life. Hospice is a benefit that provides excellent assistance during this difficult time. While many consumers choose to have hospice in their own home, for others the preference is to have the hospice benefit provided in assisted living, as should be their right. Unfortunately not every state allows hospice residents this right

- ALFA supports the right of consumers of hospice to be allowed to move in and remain in assisted living if they so chose, and if the provider, family/ resident and physician all agree.

## RESIDENT RIGHTS

Residents of assisted living do not "check their rights" at the front door upon moving into an assisted living community. To assume that someone cannot continue to have the same rights to privacy, independence and decision making no matter where they live, is discriminatory.

- ALFA supports residents' rights to continue to make the same decisions they would make in their own home.
- ALFA supports participation of a guardian or responsible party to ensure that the rights of cognitively impaired residents are preserved.

## RESIDENT ASSESSMENTS AND INDIVIDUALIZED SERVICE PLANNING

The foundation of resident centered care is the Individualized Service Plan (ISP), designed to meet the individual needs and preferences of each resident. The ISP is developed after an assessment process that takes into account not only what services a resident needs, but what they want as well. Without the benefit of an ISP, there is the risk that the care will be delivered at the convenience of staff and not for the benefit of the resident.

- ALFA supports the development of Individualized Service Plans that reflect the personalized needs and desires of each resident. Resident assessments should be completed prior to moving into a community, and every six months thereafter, as well as upon any significant change in condition. The assessment should be completed by a trained staff member, and prepared in conjunction with the resident, family members and staff.

## NEGOTIATED RISK AGREEMENTS

Residents in assisted living are entitled to make decisions about the way they want to lead their lives. At times these decisions could involve an element of risk to the resident. However, this is the essence of choice. Negotiated risk agreements are an excellent formal mechanism to allow residents to make informed decisions about their care and to document that the parties have had an open and frank discussion regarding the decision and possible outcomes.

- ALFA supports a resident's right to make decisions about their care and quality of life and also supports the use of Negotiated Risk Agreements to support these decisions.
- ALFA supports the participation of a guardian or responsible party if the resident is cognitively impaired.

## STAFF REQUIREMENTS

Assisted living communities are designed to care for a wide range of residents with varying needs. To be able to appropriately meet each resident's needs, assisted living communities need to have flexibility in determining staffing levels. The number of staff will vary as the resident population changes. Just as the services provided by assisted living providers can vary, so do the needs of residents. Whereas one assisted living community may offer care specialized for individuals with dementia, another community may focus on providing services for residents with lower acuity needs. State regulations regarding staffing, in turn, must demonstrate sufficient flexibility so that the actual needs of the residents can be met in a safe, professional manner.

- ALFA supports staffing requirements that allow assisted living communities to hire staff in sufficient numbers to adequately meet the needs and preferences of the resident population.
- ALFA supports staff available and awake 24 hours a day.
- ALFA opposes regulations mandating one size fits all staff to resident ratios.
- ALFA supports that if the needs of the resident population require the skills of licensed or registered nurses, their skills should be applied to promote quality care.

## STAFF QUALIFICATIONS

Hiring the right staff to work in an assisted living community is one of the most important decisions a provider will make.

- ALFA supports hiring staff with qualifications to meet the needs of each particular position. Experience in assisted living, educational background and a positive attitude towards seniors are important elements to be considered.

## PRE-EMPLOYMENT REQUIREMENTS

There are certain pre employment qualifications that are necessary to ensure the safety of assisted living residents. Criminal background checks are a necessary requirement to identify if staff have prior convictions that could endanger a vulnerable population. Tuberculosis testing is another pre-employment requirement that can protect the health of residents.

- ALFA supports criminal background checks on every employee prior to start date to ensure that staff who have a criminal history that would endanger residents are excluded from employment. Background checks that utilize direct care worker registries or predator registries are also supported. Criminal background checks must be cost efficient and provide the results in a timely manner. Providers should have the flexibility to use an outside service or state law enforcement agency. Tuberculosis Testing is another requirement that is necessary to protect the health of the residents.
- ALFA supports the prohibition of hiring staff who have been convicted of a crime that indicates that the applicant may present a danger to the residents.
- ALFA supports tuberculosis testing on every employee prior to start date.

## STAFF TRAINING

It is critical that assisted living staff be trained in a wide variety of areas to help them fulfill their job responsibilities. However because assisted living communities may serve different populations, providers do need a certain amount of flexibility to determine the training needs of their staff.

- ALFA supports training requirements that reflect the responsibilities of each particular position. Specialized training in dementia must be provided for staff caring for residents with these needs. CPR and First Aid training is encouraged for all staff, and at a minimum one CPR/ First Aid trained person must be available in each community at all times.
- ALFA supports training for Executive Directors that includes knowledge of the state regulations.

## MEDICATION MANAGEMENT

One of the major reasons why consumers move into assisted living is because they want assistance managing their medications. Research has shown that assisted living residents take an average of 8 medications per day. Policies and procedures need to be in place to reduce medication errors.

- ALFA supports the use of specially trained staff, to administer or assist with administration of medications. ALFA believes that staff, if properly trained, can be licensed or unlicensed.
- ALFA supports the use of individualized packaging by the pharmacy for medications.
- ALFA opposes regulations that restrict medication management to only LPN's or RN's.

## PHYSICAL PLANT

Fire safety is a major concern for assisted living residents. There are a number of safety measures that can be incorporated into the physical plant to help ensure the safety of the residents. Because fire safety is regulated by assisted living rules as well as building codes, it is imperative that the two regulatory frameworks be coordinated for a consistent fire safety plan.

- ALFA supports fire sprinklers in assisted living communities. Older buildings without sprinklers should be retrofitted within a reasonable time.
- ALFA supports smoke detectors in resident rooms and common areas.
- ALFA supports the coordination of local and state fire codes with state assisted living regulations.

## DISASTER PLANNING

Recent disasters such as hurricanes and fires have demonstrated the need for comprehensive disaster planning and training for assisted living communities. Lessons learned from these experiences must be incorporated to make sure that disasters of any size and magnitude are covered under each community plan.

- ALFA supports the development of contingency plans and implementation of staff training by assisted living communities in anticipation of potential disasters and communication of disaster policies with families, residents and staff.

## CERTIFICATES OF NEED

Development of assisted living communities should be based on a free market principle. Competition provides consumer choice, and encourages providers to improve their product to stay competitive in the market. While some argue that a CON process prevents an over saturation of the assisted living market, in reality it prohibits the development of new, innovative products that consumers want to meet their needs.

- ALFA opposes a certificate of need process that interferes with consumer choice in the market place.



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