States Establish and Enforce Requirements for Assisted Living Communities

States typically have requirements regarding resident disclosure, transfer and discharge, scope of services, life safety, staffing, and training, in addition to a variety of other rules. The majority of states have additional licensure or certification requirements for memory care special units or the provision of care to people living with Alzheimer’s or other forms of dementia. State legislatures and regulatory agencies can be nimble to respond quickly to local needs.

States inspect assisted living communities for compliance with licensure and life safety requirements at defined intervals of time and as needed (e.g., when a complaint is filed). Review ensures the health and safety of residents and compliance with state requirements. State officials also investigate any reported violations and complaints. Generally, the public may request from the state the survey history of assisted living communities in their state.

States and the Federal Governments Take Disciplinary Actions and Have Safeguards to Protect Consumers

- States can suspend or revoke a license and impose administrative sanctions for failure to comply with requirements.
- Assisted living communities are subject to state and federal elder abuse laws, which cover abuse, neglect, financial exploitation, and abandonment. They also must comply with a variety of federal requirements from the Department of Labor, Occupational Safety and Health Administration, and the Food and Drug Administration, among others.
- States must have a Long Term Care Ombudsman program that advocates for assisted living residents (as well as nursing home residents), including investigating complaints.

State and Federal Medicaid Oversight Provides Additional Protection

Assisted living communities that are Medicaid certified—an estimated 47 percent of the profession—are subject to additional federal and state oversight. For example, to prevent waste, fraud, and abuse of Medicaid reimbursement, states must conduct an enrollment screening before a provider can be reimbursed. Assisted living communities must also comply with the Center for Medicare and Medicaid Services (CMS) Home and Community-Based Settings Rule, which defines requirements for these settings and for person-centered planning.

Consumers Choose from the Setting Type and Provider that Meets Their Needs

Seniors and individuals with disabilities can select from an array of settings to meet their housing and service needs. Assisted living residents and their families exercise consumer choice by selecting a community best suited to their individual needs. Assisted living is a sector that relies heavily on referrals from residents, family members and friends; therefore, providers must provide quality care in order to build trust within their community.

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1 State Regulations, NCAL. Note: Assisted living is the most common term for the provision of seniors housing, supportive services, personalized assistance with Activities of Daily Living (ADL), and some level of health care; however, some states use other terms, such as residential care or personal care homes. Most states define assisted living and prohibit using the term “assisted living” in marketing unless the community has been licensed.

2 State Elder Abuse Statutes, U.S. Department of Justice

3 Long-Term Care Ombudsman Program, Administration for Community Living