

106TH CONGRESS
2D SESSION

H. J. RES. 107

Expressing the sense of Congress regarding the need for a White House Conference to discuss and develop national recommendations concerning quality of care in assisted living facilities in the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. STARK (for himself and Mr. COYNE) introduced the following joint resolution; which was referred to the Committee on Commerce

JOINT RESOLUTION

Expressing the sense of Congress regarding the need for a White House Conference to discuss and develop national recommendations concerning quality of care in assisted living facilities in the United States.

Whereas assisted living is a growing and popular long-term care option for our Nation's seniors;

Whereas the number of assisted living beds is estimated to range from 800,000 to 1.5 million;

Whereas although assisted living services are primarily privately funded, there is a growing trend towards using public funding. Medicaid's Home and Community-Based Services waiver grew 29 percent between 1988 and 1999;

Whereas the demand for assisted living facilities is expected to grow even more rapidly as the projected number of el-

derly in need of long-term care doubles over the next 20 years;

Whereas all States have regulations that encompass assisted living facilities, the definition and philosophy of assisted living services varies across the country, and 21 States do not have a licensing category or statute that specifically uses the term assisted living;

Whereas assisted living facilities represent many arrangements, ranging from housing residences to skilled medical service providers;

Whereas a 1999 General Accounting Office report found that 25 percent of surveyed facilities were cited for five or more quality of care or consumer protection violations during 1996 and 1997, and 11 percent were cited for 10 or more problems;

Whereas one State prohibits assisted living facilities from serving people with dementia, but as many as 25 percent of the State's assisted living residents may have dementia, and in only five months in 2000, two of those residents have died in assisted living facilities due to inadequate care;

Whereas only 15 States require resident agreements to describe criteria for admission, discharge, or transfer even though assisted living facilities are promoted to consumers as places for "aging in place";

Whereas almost half of all States reported that problems with medications in assisted living facilities occurred frequently or very often. The Institute of Medicine found that medication-related errors in hospitals account for a substantial number of deaths;

Whereas States reported that staff quality, sufficient staff, and inadequate care received the next highest number of complaints after medication issues, but there is little consistency in regulations of these areas;

Whereas some States have no requirement for the number of staff personnel who should be on duty at all times while others make requirements ranging from 1 staff person for the entire facility (no matter how large) to 1 staff person for every 6 people;

Whereas approximately 20 percent of States do not require background checks for assisted living facilities and their employees;

Whereas each State has different regulations and oversight, leading to unequal quality of care and consumer protections in various regions of the country. For example, in regulating care in assisted living facilities for Alzheimer's patients, some States have requirements in the areas of training, staffing, activities, and environment while others have no requirements in these areas;

Whereas the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) and CARF, the Rehabilitation Accreditation Commission, recently released assisted living standards, but accreditation is voluntary;

Whereas many lessons have been learned from the experience with nursing homes, and we must ensure these types of abuses do not happen again in any long-term care arrangement; and

Whereas a Senate Special Committee on Aging hearing discussed the crucial role of assisted living in long-term health care, but also raised concerns about the quality of

care in certain assisted living facilities: Now, therefore,
be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That—

4 (1) the While House, in conjunction with the
5 Secretary of Health and Human Services and the
6 Secretary of Housing and Urban Development, shall
7 convene a conference to study quality of care issues
8 and develop national recommendations for ensuring
9 consumer protections in assisted living facilities in
10 America;

11 (2) the Secretary of Health and Human Serv-
12 ices shall issue a report based on the findings of this
13 conference, including recommendations concerning
14 quality of care in assisted living facilities and any
15 gaps in research that should be filled; and

16 (3) this conference shall be convened within 1
17 year, and the report based on the conference shall
18 be issued in no more than 6 months following the
19 completion of the conference.

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