

NEW ASSISTED LIVING REGULATIONS ANNOUNCED

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This summer Massachusetts announced major changes to Assisted Living. Since most MLCRA communities offer Assisted Living, the changes could affect many of our members. New regulations strengthen safety standards and increase other protections for residents. The regulations also allow Assisted Living Residences (ALRs) the option of offering Basic Health Services.

Governor Maura Healey announced the new ALR regulations on July 10. The regulations were finalized by the Executive Office of Aging and Independence following passage of long-term care legislation in 2024 and the subsequent recommendations of an Assisted Living Commission (see January-March 2026 Patriot). Most of the regulations were scheduled to take effect on July 31.

News media coverage about the regulations has concentrated on safety requirements that were put into place because of the fire in 2025 at Gabriel House in Fall River. They include annual inspections by local fire departments, annual fire safety instruction for staff, and enhanced emergency preparedness plans.

In addition, ALRs will be required to install automated external defibrillators (AEDs) if they do not already have them. As of January 1, 2027, ALRs must always have a CPR/AED certified staff member on duty. Residences will also be required to have unexpired naloxone (Narcan) and epinephrine centrally located and accessible to staff.

Basic Health Services: The regulations establish how Basic Health Services (BHS), which were authorized by the 2024 legislation, will be implemented. If providers decide to offer BHS, they must offer *all* the services specified in the law: injections, simple non-sterile dressings, ongoing oxygen management, ointments or drops, specimen collection and FDA-approved home diagnostic tests. *If facilities do not offer all these services, they cannot offer any of them.* Many advocates would have preferred more flexibility.

Residents who choose to receive health services must have medical orders from a licensed independent provider. A Registered Nurse must update the service plan to include the order and review it with the resident or the resident's representative. There are also many other new certification requirements for facilities that offer BHS.

Assisted Living Consumer Protections: On June 22, Attorney General Andrea Campbell issued a separate set of consumer protection regulations that were scheduled to go into effect on July 17. The regulations prohibit "unfair or deceptive" practices, including misleading promises about services and fees. ALRs must have clear service agreements that spell out what services cost, when prices can go up, and what happens if a resident can no longer afford to stay or needs advanced care. The ALR must also give clear information about the availability of nursing care on site.