



Thursday, March 27, 2025

The Honorable Susan Donovan, Chair  
House Health & Human Services Committee  
Rhode Island State House  
State House, Room 101  
Providence, RI 02903

**Subject:** Opposition to House Bill 5169

Dear Chairperson Donovan and Members of the Committee:

On behalf of the Rhode Island Assisted Living Association (RIALA), I am writing to express our strong opposition to H5169 in its current form. We acknowledge the well-intentioned aspects of the proposed legislation, particularly its aims to increase transparency and encourage the establishment of resident and family councils in assisted living facilities. However, we believe that the provisions of this bill fail to recognize the complexities of assisted living operations and may inadvertently undermine the rights of residents to privacy, autonomy, and personal choice.

My name is Hanan Babikir Bedri, and I serve as the Executive Director of RIALA. Our association represents assisted living providers in Rhode Island, and our mission is to champion choice, dignity, independence, and quality of life for seniors. RIALA members are committed to ensuring that all residents receive high-quality care that respects their individual needs and preferences.

While we share the committee's commitment to protecting residents and improving services, we are concerned that H5169, as drafted, overlooks the operational challenges faced by assisted living facilities and the potential unintended consequences of some of its provisions. The bill's provisions fail to account for the complex regulatory landscape in which facilities operate. Moreover, the bill does not adequately protect residents' rights to privacy and personal autonomy, which are cornerstones of the assisted living model.

Rhode Island's existing regulations for assisted living facilities were developed by experts who understand the intricate balance between maintaining safety, delivering high-quality care, and respecting the privacy and autonomy of residents. These regulations have evolved over time and are well-suited to address the diverse needs of residents while ensuring the operational stability of facilities. In contrast, the current version of H5169 seems to overlook the operational realities of assisted living facilities and the foundational principles that guide them.

The current language of H5169 may inadvertently create significant operational challenges, impose additional financial burdens on residents, and place undue stress on care providers—particularly those already navigating a complex regulatory environment. Additionally, several

provisions in the bill could infringe on residents' rights to privacy and autonomy, undermining the very principles that assisted living facilities are designed to uphold. Here is a list of concerns related to H5169 that need careful consideration before moving forward with the bill:

## **I. IMPACT ON RESIDENT-STAFF RELATIONSHIPS AND COMMUNITY HARMONY**

What makes assisted living so special is that it creates an environment where residents are treated as family members, with the same care, respect, and compassion one would offer a loved one. In this setting, staff members don't just perform tasks—they build personal, meaningful relationships with the residents. Each resident's needs are understood and met not just from a caregiving perspective, but with a deep sense of empathy and genuine concern for their emotional and social well-being. The bond between staff and residents goes beyond daily assistance; it's rooted in a commitment to making residents feel valued, respected, and seen as individuals.

The care provided in assisted living is not about checking off boxes; it's about delivering compassionate, personalized support that enhances the quality of life for each resident. Staff members know the residents' preferences, stories, and personalities, which allows them to engage in ways that make the residents feel truly at home. This sense of familiarity and familial care fosters trust, security, and a sense of belonging—key elements that create a supportive and loving environment. However, mandating the proposed structure of family and resident councils could disrupt this bond. While these councils may aim to give residents and their families a stronger voice, they risk formalizing the relationships between residents and staff, making them feel more structured and less personal. This could create an environment where staff are seen through a more transactional lens, rather than as trusted, compassionate caregivers. By placing emphasis on roles and agendas, councils could unintentionally diminish the natural, family-like atmosphere that makes assisted living a place where residents feel genuinely cared for and respected, undermining the deep connections that have been carefully built over time.

## **II. RESIDENT RIGHTS TO PRIVACY AND PARTICIPATION**

H5169 defines resident and family councils as organized groups of facility residents (Resident Council) or family members and representatives (Family Council) who may meet privately without facility staff.

Rhode Island's current regulations already protect residents' rights to privacy and freedom of association. These laws ensure that residents can maintain personal relationships, choose their visitors, and make private decisions about their interactions, as long as health and safety are not compromised. Assisted living is meant to support residents' physical, mental, and emotional needs, while ensuring that their autonomy and privacy remain essential to their well-being. The current system respects the diverse needs and preferences of residents. Some have voluntarily formed councils and meet regularly to discuss matters of common interest, while others prefer maintaining their privacy and engaging in one-on-one interactions with staff. This flexibility upholds their autonomy, allowing them to make decisions based on their personal comfort.

However, H5169 imposes a one-size-fits-all mandate that requires all facilities to establish and support resident and family councils. This rigid structure limits individual choice and infringes on residents' fundamental rights, such as the constitutional right to freely associate and make personal decisions about interactions and relationships. The freedom to choose how to engage with others is central to personal autonomy, and this mandate undermines that core principle.

Since residents already have the freedom to form councils or engage privately with staff, this change in state law is unnecessary. Mandating participation could restrict both residents' rights and the flexibility that assisted living communities currently provide, potentially undermining their ability to live as independently as possible.

Moreover, some outside advocates have pressured residents to form councils. For example, Ms. Kathleen Gerard and advocates at the Alliance, key proponents of this legislation, attempted to establish a council at some local facilities. When their efforts were rejected by residents, they sought assistance from the facility administrators to push for its formation. Residents reported feeling intimidated by this persistent pressure, leading to a loss of autonomy. What began as an effort to socialize with senior residents soon became a coercive push to force residents into an organized group that many did not want, undermining their personal sense of control and independence. Now, they are proposing a legislation, H5169, to mandate these same councils.

The legislation's requirements could also unintentionally have negative consequences by compromising residents' privacy and autonomy. By mandating facilities to request new residents' consent to share their or their family's personal contact information with the councils upon admission, H5169 places additional pressure on new residents, who are often undergoing significant emotional and mental transitions. This vulnerability increases the risk that residents could feel coerced into disclosing personal information, which erodes their dignity. Dignity in assisted living is tied to the ability to maintain control over personal decisions and boundaries.

Pressuring residents to share sensitive details or participate in councils against their will strips them of that control, leading to emotional distress and feelings of dehumanization. These unintended negative consequences infringe on privacy and diminish the respect and autonomy that residents deserve.

By introducing mandates in H5169 that could coerce participation or violate privacy, the proposed legislation risks undermining the very rights it seeks to protect. The emphasis must remain on voluntary participation and individual choice, ensuring that residents can advocate for themselves in a way that aligns with their needs, desires, and rights.

### **III. CONCERNS OVER UNVERIFIED REPORT ON ASSISTED LIVING FACILITIES**

There is significant concern regarding a paper being circulated by an advocating for H5169. This paper highlights what are claimed to be "immediate jeopardy" situations at 9 out of 64 assisted living facilities in Rhode Island. However, the findings of this paper do not align with those of the Rhode Island Department of Health (RIDOH), nor do they reflect the department's official interviews and investigations into these facilities.

This paper, which suggests that RIDOH has failed to adequately investigate or address these concerns, lacks verification and appears to present a skewed narrative about the state of care in assisted living facilities. By focusing on a small subset of facilities without offering a comprehensive or balanced view, the paper raises questions about the methodology used and the overall accuracy of its claims.

The circulation of such unverified information could create confusion and foster unwarranted fear, undermining the credibility of RIDOH's thorough regulatory processes. This selective reporting could have damaging consequences, contributing to a misrepresentation of the assisted living industry in Rhode Island.

On March 26, 2025, the Long-Term Care Ombudsperson presented statistics at a public meeting attended by local non-profits, government agencies, and the general public. During the meeting, the Ombudsperson shared data illustrating high rates of various forms of elder abuse in assisted living facilities and other long-term care settings. When questioned about whether these cases were substantiated, the Ombudsperson clarified that her office follows a different procedure than the Department of Health. Upon being asked again whether these cases were substantiated, the Ombudsperson responded no, adding that many of the reports come from residents who may have cognitive impairments.

According to Rhode Island law, the role of the Ombudsman Office and the Long-Term Care Ombudsperson is to:

- Advocate on behalf of residents by identifying, investigating, and resolving complaints through mediation, negotiation, and administrative action. These complaints can be filed by residents or individuals acting on their behalf.
- Identify, investigate, and resolve complaints filed by any individual, organization, or government agency that believes a long-term care facility or related entity is engaged in activities, practices, or omissions that violate statutes or regulations, or that may adversely affect the health, safety, welfare, rights, or quality of life of residents in long-term care facilities.

However, this is not what we are currently observing. Advocates, including the Long-Term Care Ombudsperson, are disseminating and publicizing unsubstantiated, uninvestigated claims and presenting them to the public, often knowing that the reports come from individuals with cognitive issues. Moreover, when their proposed resident and family councils were rejected by residents, they resorted to intimidating tactics. When this effort also failed, they asked legislators to introduce two bills in the House (H5169) and Senate (S484) to mandate these councils on residents and require facilities to report directly to them.

#### **IV. FEES AND RATES**

The proposed legislation introduces new mandates that don't fully take into account the complexities of fee increases in assisted living communities. To better understand why these mandates are problematic, it's important to first look at what causes fees to rise in these facilities.

In assisted living communities, fees can increase in two main ways: general rate increases for all residents and individual increases based on a resident's growing care needs. These increases are influenced by several factors, which can impact both the costs for facilities and residents' financial expectations.

One key factor is the cost of doing business in different locations. For example, facilities in urban areas tend to have higher fees due to increased real estate, labor, and utility costs. These higher operational expenses are passed on to residents, making care more expensive in cities than in rural areas. In addition to location, the rising cost of caregiver wages has put pressure on facility fees. Wages for staff have increased, especially since the COVID-19 pandemic, and this has led to higher costs for facilities. This situation is made even more difficult by inflation, which affects the cost of everything from healthcare to utilities. Furthermore, immigration policies and staffing shortages in caregiving fields make it harder for facilities to find qualified workers, further driving up wages and, consequently, fees.

Another major factor is the growing care needs of residents. As people age, they may develop conditions such as dementia or chronic illnesses, which require more specialized and intensive care. This includes not just room and board, but also additional services like meal preparation, medication management, personal care, and even extra staff to ensure safety and manage tasks like preventing wandering. The cost of activities and therapies for residents with dementia or other cognitive impairments also adds to the overall cost of care.

#### **Challenges with Publishing Rate Increases Over the Past Three Years**

One of the key components of the proposed legislation is the requirement for facilities to publish rate increases for the past three years. While it's important for pricing to be transparent, this would be difficult for several reasons.

First, rate increases often vary depending on a resident's individual care needs, which can change over time. Each resident might experience different levels of fee increases depending on their health or the services they require. This makes it impossible to provide a clear, one-size-fits-all history of rate increases for every resident or facility.

Second, many of the factors that cause rate increases are unpredictable and can change from year to year. Economic pressures, like inflation and rising wages, don't follow a set pattern, so the rate increases from previous years may not reflect current conditions. Facilities need to adjust rates based on the specific challenges they face each year, making it hard to accurately predict or report past rate changes.

Additionally, facilities are still recovering from the financial impacts of the COVID-19 pandemic. Costs related to staffing, safety protocols, and other pandemic-related adjustments are still being absorbed. The financial strain from this continues to impact many facilities' ability to make rate changes or report them accurately.

#### **Financial Strain of a Minimum 120-Day Notice Requirement**

The proposed legislation's requirement for a minimum of 120-day advance notice of fee increases would further compound these challenges by placing significant financial pressure on facilities. Many assisted living facilities are already struggling to maintain financial stability due to the rising costs of care, staffing, and compliance with regulatory requirements. A minimum of 120-day notice would reduce flexibility for facilities to respond quickly to fluctuating costs, particularly when they rely on timely adjustments to cover payroll and other essential operational expenses. With the increasing complexity of care needs, especially for dementia patients and those requiring specialized services, these extended notice periods could create cash flow issues and leave facilities vulnerable to financial instability.

#### **Existing State Regulations on Fee Transparency**

It's worth noting that Rhode Island already has regulations that ensure fee transparency. Facilities are required to inform residents about financial policies, including potential rate increases, at the time of admission. This existing law ensures that residents are aware of any financial changes upfront. Adding additional regulations requiring the publication of historical rate increases would not reflect the complex realities of how rates are set.

The proposed requirement to publish rate increases over the past three years fails to recognize the individualized nature of how rates are set in assisted living communities. Rhode Island's existing regulations already provide residents with the necessary information about potential fee increases, making this additional requirement unnecessary and potentially counterproductive.

We are prepared to engage with elected leaders and other advocates on any suggested changes that uphold the rights of residents, support families, and provide a clear framework for facilities to operate within. We simply feel that the numerous challenges spelled out in H5169 are not the best path forward. Should you require any further information or wish to discuss this issue in more detail, please do not hesitate to contact me directly at [hbedri@riala.org](mailto:hbedri@riala.org) or 401.435.8888.

Thank you for your support and dedication to improving the quality of life for all.

Sincerely,



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Rhode Island Assisted Living Association