



March 26, 2025

House Committee on Health and Human Services
Rhode Island State House
househealthandhumanservices@rilegislature.gov

Re: **Testimony SUPPORTING HB 5169**, to empower residents of assisted living facilities in RI

Dear Chair Donovan and Honorable Committee Members,

Thank you for the opportunity to submit this testimony in support of House Bill 5169.

ABC-RI stands for the rights and interests of all Rhode Islanders residing in long-term care facilities. We strongly support HB 5169 because it is designed to empower residents of assisted living facilities.

HB5169 requires three things of assisted living residences to better empower residents and their care-partners:

1. the reasonable support of family and resident councils
2. 120 days notice for fee/rate increases (in line with rent increase notice for residential tenants over 62)
3. the disclosure of 3 years of historical rate increases in the residency agreement

1) Residents of assisted living and their care-partners are able to advocate for themselves more effectively when they are able to organize together as resident and family councils, operating without the oversight of staff and administration. Currently, very few RI assisted living residences have independent councils for residents or their carepartners—precisely for that reason, we would argue. Industry representatives say that they love councils as we do, but they also know that a group of residents allowed to organize and meet independently can be a powerful force for change and improvement. While administrators wouldn't *prohibit* residents or care-partners from meeting independently, there are many ways that they may discourage them. This bill will inhibit such discouragement while empowering residents and their care-partners.

2) When the General Assembly passed legislation last year requiring that landlords give tenants 62 and older 120 days' notice of any rent increase, assisted living industry lobbyists successfully had their residences exempted. They are required to give only 30 days notice for increases, and we have heard from numerous residents and advocates who have seen increases of 8-12% in recent years.

On top of the base rate, there are often surprise new fees for things that were previously implicitly included in the monthly rate. (New \$350/month fee added if you have more than 10 medications on your allowed list (including things like Tylenol, Pepcid, Metamucil, etc.; New \$100/month fee added if you

need to get your medications administered in your room rather than a central location) See *attached for a NYTimes/Kaiser Foundation article on this phenomenon.*

3) Other housing, healthcare, and financial industries in some jurisdictions are required to share their rate histories for consumer protection. When an individual chooses an assisted living residence, more often than not they expect it to be their last move. Unfortunately, if they are calculating how long their savings will last, they can't know how much their facility costs are going to increase, and just how quickly they will have exhausted those savings. **This element of transparency can help prospective residents make a more informed choice and spare them the pain of bankruptcy and eviction.**

Industry representatives have argued that this bill creates a hardship because they are facing "unprecedented financial pressures." **"The median operating margin for assisted living facilities in 2021 was 23% if they offered memory care and 20% if they didn't, according to David Schless, chief executive of the American Seniors Housing Association"**

Whereas, "[f]or residents, the median annual price of assisted living has increased 31% faster than inflation, nearly doubling from 2004 to 2021, to \$54,000, according to surveys by the insurance firm Genworth. Monthly fees at memory care centers...can exceed \$10,000 in areas where real estate is expensive or the residents' needs are high." Clearly, it's the residents who are facing unprecedented financial pressures, while operators' profits are increasing.

<https://kffhealthnews.org/news/article/dying-broke-extra-fees-drive-assisted-living-profits/>

It is worth noting, also, that assisted living facilities in RI are only inspected by RIDOH once every two years (decreased from annually in 2017), but the rate at which they are cited for serious deficiencies (15 in 147 surveys in 2024) parallels that of nursing homes. RI assisted living facilities, however, are never fined. The only enforcement measure used beyond a "statement of deficiency" is a compliance agreement, a measure which has only been implemented twice in the last two years. **Self-advocacy and resident empowerment is more important than ever.**

Thank you for your time and attention, and for all of your work on behalf of all Rhode Islanders.

Sincerely,

Kathleen Gerard,
ABC-RI

Scan here or go to <https://bit.ly/alfij> for spreadsheet of RI ALF deficiencies/survey reports from publicly available RIDOH data.

