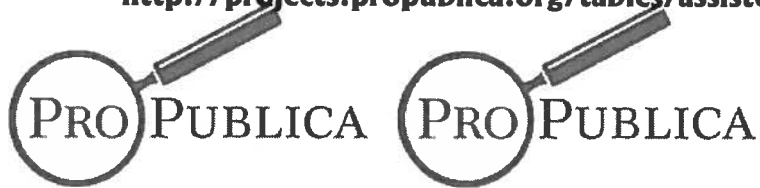


http://projects.propublica.org/tables/assisted-living-regulations#data-explainer



(Exhibit A)

Life and Death in Assisted Living

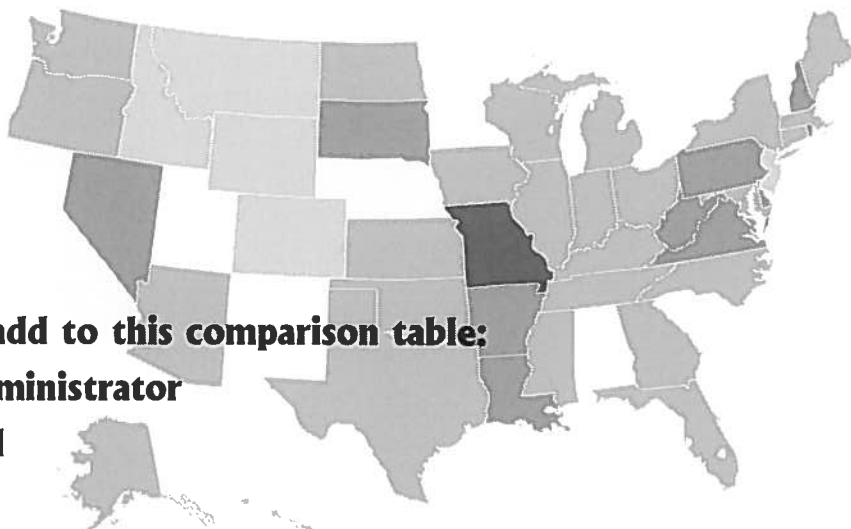
State-by-State: Assisted Living Regulations

by Hanna Trudo, Jonathan Jones and A.C. Thompson, ProPublica - October 29, 2013

ProPublica set out to compile the key rules and regulations governing assisted living in all 50 states and the District of Columbia. This information was gathered from state regulatory agencies, an examination of state codes and other records, and a 2013 review prepared by the National Center for Assisted Living, an industry trade group.

These are the categories included here: the qualifications required for those who run assisted living facilities; the frequency of inspections; fines for problem facilities; staffing requirements, and whether states offer performance records of the facilities to the public online. [See more about the data.](#) » | [Related Story](#) »

Frequency of Inspections



Other columns to add to this comparison table:

-Beltca certified administrator

-sprinklers required

-liability insurance

-FBI finger print screen

State	State Can Fine Facilities?	State Posts Inspection Data Online?	Administrators Required to Have High School Diploma, GED, or College Education?	Minimum Staffing Ratios?	Frequency of Inspections
Alabama B	Yes	Yes	Yes	Yes	No requirement for periodic inspections
Alaska A	Yes	No	No	No	Every two years
Arizona D	Yes	Yes	Yes	No	Every two years
Arkansas C	Yes	No	Yes	Yes	Every year
California E	Yes	No	Yes	No	Every five years
Colorado F	Yes	Yes	No	Yes	Every three years
Connecticut G	No	No	Yes	No	Every two years
Delaware H	Yes	Yes	Yes	No	Every year
Florida I	Yes	Yes	Yes	Yes	Every two years
Georgia J	Yes	Yes	No	Yes	Every two years

State	State Can Fine Facilities?	State Posts Inspection Data Online?	Administrators Required to Have High School Diploma, GED, or College Education?	Minimum Staffing Ratios?	Frequency of Inspections
Hawaii K	Yes	No	No	No	Every two years
Idaho M	Yes	Yes	Yes	No	Every three years
Illinois N	Yes	No	Yes	No	Every two years
Indiana O	Yes	Yes	Yes	No	Every 15 months
Iowa L	Yes	Yes	No	No	Every two years
Kansas P	Yes	No	Yes	No	Every 15 months
Kentucky Q	Yes	No	Yes	No	Every two years
Louisiana R	Yes	No	No	No	Every year
Maine U	Yes	No	No	Yes	Every two years
Maryland T	Yes	Yes	Yes	No	Every 15 months
Massachusetts S	Yes	No	Yes	No	Every two years
Michigan V	Yes	No	No	Yes	Every two years
Minnesota W	Yes	Yes	No	No	No requirement for periodic inspections
Mississippi Y	No	No	Yes	Yes	Every two years
Missouri X	Yes	Yes	Yes	Yes	Twice per year
Montana Z	No	No	Yes	No	Every three years
Nebraska c	Yes	Yes	No	No	Every five years
Nevada g	Yes	Yes	Yes	Yes	Every year
New Hampshire d	Yes	No	Yes	No	Every year
New Jersey e	Yes	Yes	Yes	No	Every three years
New Mexico f	Yes	Yes	Yes	Yes	No requirement for periodic inspections
New York h	Yes	Yes	Yes	No	Every 18 months
North Carolina a	Yes	Yes	Yes	Yes	Every two years
North Dakota b	Yes	No	No	No	Every two years
Ohio i	No	Yes	Yes	No	Every 15 months
Oklahoma j	Yes	Yes	No	No	Every 15 months
Oregon k	Yes	Yes	Yes	No	Every two years
Pennsylvania l	Yes	Yes	Yes	No	Every year
Rhode Island m	Yes	No	No	No	Every year
South Carolina n	Yes	No	Yes	Yes	No requirement for periodic inspections
South Dakota o	No	No	Yes	No	Every year
Tennessee p	Yes	No	Yes	No	Every 15 months
Texas q	Yes	Yes	Yes	No	Every two years
Utah r	Yes	No	Yes	No	No requirement for periodic inspections
Vermont t	Yes	Yes	No	No	No requirement for periodic inspections
Virginia s	Yes	Yes	Yes	No	Every year
Washington u	Yes	Yes	Yes	No	Every two years
Washington, D.C. y	Yes	Yes	No	No	Every year
West Virginia w	Yes	No	Yes	Yes	Every year
Wisconsin v	Yes	Yes	Yes	No	Every two years
Wyoming x	No	Yes	No	No	Every three years

About the data

The rules and regulations proved not easy to decipher. There is, for instance, no single, standard definition of assisted living. As well, each state defines and licenses assisted living differently. Many states set different staffing and training requirements depending on a facility's size, the levels of care offered, and other types of services. In addition, many states have also recently revised or are in the process of refining their rules and regulations. According to the National Center for Assisted Living, 18 states reported regulatory, statutory, or policy changes affecting assisted living and other residential care facilities in 2012.

States also vary in how much information about assisted living they post online. While some states post the entire inspection reports for individual facilities online, others post only a portion of the reports, a simple listing of violations, or the enforcement letters the state sent to individual facilities. Here, if a state is listed as "No" in this category, it means that the state does not post any information from either complaint or inspection reports on the Internet.

Most states require a high school diploma, a GED or some post-high school education as part of their qualifications to become an administrator of an assisted living facility. However, some states require high school diplomas for certain types of assisted living facilities, but not all. Similarly, some states, Alabama, Arkansas and Maine among them, set specific staffing ratios for certain types of assisted living facilities, such as those that offer specialty Alzheimer's and dementia care, but not all.

When it comes to the frequency of inspections, our graphic reflects the maximum time each state allows between routine inspections conducted by the state regulatory agency. In some of these states, certain facilities may be inspected more frequently. Our data does not include state investigations prompted by complaints, reports of abuse, or other incidents.

We intend this information to be of assistance to families, legislators, and to all involved in caring for, or advocating on behalf of, the elderly. We invite informed readers to offer clarifications to existing regulations or updates as rules and regulations are modified in the months ahead.

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(Exhibit B)

GROUP HOMES

NRS 278.0238 Definitions. As used in NRS 278.0238 to 278.02388, inclusive, unless the context otherwise requires, the words and terms defined in NRS 278.02381 to 278.02385, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2007, 1129)

NRS 278.02381 "Halfway house for recovering alcohol and drug abusers" defined. "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.

(Added to NRS by 2007, 1129)

NRS 278.02382 "Health Division" defined. "Health Division" means the Health Division of the Department of Health and Human Services.

(Added to NRS by 2007, 1129)

NRS 278.02383 "Home for individual residential care" defined. "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(Added to NRS by 2007, 1129)

NRS 278.02384 "Residential establishment" defined. "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.

(Added to NRS by 2007, 1130)

NRS 278.02385 "Residential facility for groups" defined. "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

(Added to NRS by 2007, 1130)

NRS 278.02386 Certain homes and facilities required to be included in definition of "single-family residence" in city and county ordinances; exclusions; siting of residential establishments in certain larger counties; special use permits; restriction on application of section.

1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least 1,500 feet but not more than 2,500 feet.

4. Except as otherwise provided in NRS 278.02388, the governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

5. The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

6. As used in this section, "person with a disability" means a person:

(a) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) With a record of such an impairment; or

(c) Who is regarded as having such an impairment.

(Added to NRS by 1983, 220; A 1987, 1163; 1999, 3365; 2001, 241, 1907; 2003, 106, 107; 2007, 1131)—(Substituted in revision for NRS 278.021)

NRS 278.02387 Registry of group homes: Transmission of information; compilation and maintenance by Health Division; contents; availability.

1. Each county and city shall:

(Exhibit C)

Senate Bill No. 233—Senators Cegavske; and Hardy

CHAPTER.....

AN ACT relating to land use planning; repealing zoning provisions concerning group homes that conflict with federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing state law, a "residential establishment" is defined to include certain homes for individual residential care, halfway houses for recovering alcohol and drug abusers and residential facilities for groups. (NRS 278.02384) Existing state law, in relevant part, provides that in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the governing body of the county, and of each city in such a county (currently Boulder City, Henderson, Las Vegas, Mesquite, North Las Vegas, Reno and Sparks) is required to establish by ordinance a minimum distance between residential establishments that is at least 1,500 feet but not more than 2,500 feet. (NRS 278.02386) Existing state law also establishes a registry of "group homes," which includes residential establishments and facilities providing similar services, and requires the governing body of each county and city to ensure that the zoning of residential establishments is carried out in observance of any mandatory minimum distances. (NRS 278.02387, 278.02388)

Existing federal law, with respect to persons with disabilities, expressly preempts conflicting state laws which discriminate in housing on the basis of disability or which fail to afford such persons the reasonable accommodations necessary to use and enjoy a dwelling. As held by the United States District Court for the District of Nevada, the provisions of the federal Fair Housing Amendments Act (42 U.S.C. §§ 3601 et seq.) preempt NRS 278.0238 to 278.02388, inclusive. (*Nevada Fair Housing Center, Inc. v. Clark County*, 565 F.Supp. 2d 1178 (D. Nev. 2008))

This bill repeals each section of the Nevada Revised Statutes which the federal District Court held in *Nevada Fair Housing Center* to be federally preempted, including the provision which directs certain governing bodies to establish a minimum distance between residential establishments.

EXPLANATION – Matter in *bolded italics* is new, matter between brackets ~~[omitted material]~~ is material to be omitted

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.030 to 449.240, inclusive, must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.
2. The type of facility to be operated.
3. The location of the facility.



4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.030 to 449.240, inclusive.

8. Evidence satisfactory to the Health Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.

9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.030 to 449.240, inclusive, and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

~~{11. If the facility to be licensed is a residential establishment as defined in NRS 278.02384, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.02386, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.}~~

Sec. 2. NRS 278.0238, 278.02381, 278.02382, 278.02383, 278.02384, 278.02385, 278.02386, 278.02387 and 278.02388 are hereby repealed.

Sec. 3. This act becomes effective upon passage and approval.



(Exhibit D)

Electronic Code of Federal Regulations

e-CFR Data is current as of March 17, 2015

Title 29 → Subtitle B → Chapter V → Subchapter A → Part 552 → Subpart B → §552.102

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Title 29: Labor

PART 552—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Subpart B—Interpretations

§552.102 Live-in domestic service employees.

(a) Domestic service employees who reside in the household where they are employed are entitled to the same minimum wage as domestic service employees who work by the day. However, section 13(b)(21) provides an exemption from the Act's overtime requirements for domestic service employees who reside in the household where employed. But this exemption does not excuse the employer from paying the live-in worker at the applicable minimum wage rate for all hours worked. In determining the number of hours worked by a live-in worker, the employee and the employer may exclude, by agreement between themselves, the amount of sleeping time, meal time and other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits. For periods of free time (other than those relating to meals and sleeping) to be excluded from hours worked, the periods must be of sufficient duration to enable the employee to make effective use of the time. If the sleeping time, meal periods or other periods of free time are interrupted by a call to duty, the interruption must be counted as hours worked. See regulations part 785, §785.23.

(b) If it is found by the parties that there is a significant deviation from the initial agreement, the parties should reach a new agreement that reflects the actual facts of the hours worked by the employee.

[40 FR 7405, Feb. 20, 1975, as amended at 78 FR 60557, Oct. 1, 2013]

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