



ASSISTED LIVING STATE REGULATORY REVIEW

2 0 2 4 E D I T I O N

NCAL[®]
NATIONAL CENTER FOR ASSISTED LIVING

Overview of Assisted Living

Assisted living communities are a long term care option preferred by many individuals who typically need help with everyday activities and some health care services but typically do not require 24-hour skilled nursing care services for extended periods of time. These communities offer a unique mix of companionship, independence, and security and become residents' home, prioritizing resident choice, dignity, and privacy. The assisted living model is built on the concept of delivering person-centered services (e.g., personal care) and supports (e.g., housing) that meet each resident's specific needs and preferences. In addition to supporting residents in completing activities of daily living (e.g., bathing, dressing, managing medications), assisted living provides a variety of specialized services, including social work, mental health or counseling, or therapies. Additionally, one in five assisted living providers have a unit, wing or floor designated for dementia care or only serve adults with dementia.¹

States establish and enforce licensing and certification requirements for assisted living communities, as well as requirements for assisted living administrators or executive directors. While some federal laws and regulations apply to assisted living communities (e.g., Department of Labor Fair Labor Standards Act, OSHA, etc.), state-level regulation of assisted living services and operations ensures an efficient, comprehensive licensure system because the state can effectively coordinate its full range of housing and service programs available to seniors and individuals with physical, intellectual, or developmental disabilities. Furthermore, different state philosophies regarding the role of assisted living in the long term care spectrum enables provider innovation and piloting of new models of housing plus services that respond to local consumer demands.

The majority of assisted living residents pay privately for room, board, and services. Medicare does not cover services offered by assisted living. While Medicaid does not cover room and board, it may cover personal care services for eligible residents in states that allow a Medicaid waiver in assisted living. The Medicaid program is important for ensuring that seniors and individuals with disabilities are able to receive care in the most appropriate setting.² An estimated 48 percent of communities are Medicaid-certified to be home and community-based services (HCBS) providers, while almost 18 percent of residents rely on Medicaid to cover daily care in assisted living.³

1 Sengupta M, Lendon JP, Caffrey C, Melekin A, Singh P. Post-acute and long-term care providers and services users in the United States, 2017–2018. National Center for Health Statistics. Vital Health Stat 3(47). 2022. DOI: <https://dx.doi.org/10.15620/cdc:115346>.

2 Vardaman, K. (2016). The Role of Residential Care Settings in Delivering Long-Term Services and Supports. *Medicaid and CHIP Payment and Access Commission*. <https://www.macpac.gov/publication/the-role-of-residential-care-settings-in-delivering-long-term-services-and-supports/>.

3 Harris-Kojetin, *Long-term Care Providers and Services Users*, at 73, 77.

About the National Center for Assisted Living

The National Center for Assisted Living (NCAL) is the assisted living voice of the American Health Care Association (AHCA). As of the date of this publication, AHCA/NCAL represents more than 14,000 non-profit and proprietary skilled nursing centers, assisted living communities, sub-acute centers, and homes for individuals with intellectual and development disabilities. By delivering solutions for quality care, AHCA/NCAL aims to improve the lives of the millions of frail, elderly and individuals with disabilities who receive long term or post-acute care in our member facilities each day.

NCAL is dedicated to serving the needs of the assisted living community through national advocacy, education, networking, professional development, and quality initiatives. In addition, NCAL supports state-specific advocacy efforts through its national federation of state affiliates. NCAL state affiliates work to create local education, advocate on behalf of assisted living providers, and provide the direct, ongoing support their assisted living members need to improve quality and grow their businesses.

NCAL's Mission Statement

NCAL's mission is to lead the assisted living profession through public policy advocacy, knowledge, education, and professional development.

NCAL's Vision Statement

NCAL is dedicated to promoting high quality, principle-driven assisted living care and services with a steadfast commitment to excellence, innovation and the advancement of person-centered care.

Executive Summary

This report summarizes a variety of selected state requirements for assisted living licensure or certification. States use various terms to refer to assisted living, such as residential care and personal care homes. This report includes requirements for those types of communities that offer seniors and people with disabilities housing, supportive services, person-centered assistance with activities of daily living, and some level of health care. For every state and the District of Columbia, this report provides information on preselected topics, such as which state agency licenses assisted living, recent legislative and regulatory updates affecting assisted living, scope of care, limitations of services, staffing, and training, to name a few.

Fifteen (29%) reported regulatory or legislative changes from July 1, 2023, to July 1, 2024, that impacted assisted living residents, staff, and facility operations. These legislative changes affected a variety of requirements, some of which are included in this report.

In 2023 the report began to include three new topic areas, including infection control requirements, emergency preparedness requirements, and quality requirements. In the past year, it has been identified that two of the three new topic areas had an increase of states that have regulatory requirements in those areas, they include:

- Forty-five states and the District of Columbia (88%) have infection control requirements in place.
- Twenty-five states (49%) have quality measurement, data collection, or quality management requirements.

In 2025, this report will be updated on a quarterly basis based on those states that report regulatory or legislative changes that have taken place and become effective in the previous quarter.

Methodology

From August through December 2024, Lawther Consulting, LLC reviewed state assisted living regulations adopted between July 1, 2023, and July 1, 2024, drawing from publicly available, web-based resources. Lawther Consulting did not review sub-regulatory guidance, nor did they comprehensively review regulations and statutes outside of the licensure requirements from the state agency overseeing assisted living. In addition, states with Medicaid programs that cover services in assisted living may have additional requirements for participating providers; this report does not necessarily summarize these requirements for Medicaid-enrolled assisted living providers.

To verify preliminary findings, the National Center for Assisted Living (NCAL) sent to each state agency official(s) and to each state affiliate for review and approval in November or December 2024. All hyperlinks were active as of December 2024. Twenty-five of the fifty-one summaries were reviewed by both a state agency official and a NCAL state affiliate prior to the release of this publication (see Table 1 below).

Table 1. Level of Review for State Summaries		
Level of Review	Number (%)	States
State Agency Official and State Affiliate	25 (49%)	AR, DE, HI, ID, IL, IN, IA, KS, KY, LA, ME, MI, MN, MO, NE, NM, NC, ND, OR, PA, SC, SD, TN, UT, and VT
State Agency Official Only	4 (8%)	AZ, CA, MT, NH
State Affiliate Only	10 (20%)	CO, FL, GA, NY, MS, NJ, NV, OH, WA, and WI
Neither State Staff nor State Affiliate	12 (24%)	AL, AK, CT, DC, MA, MD, OK, RI, TX, VA, WV and WY
Total:	51 (100%)	

NCAL did not standardize assisted living terminology across states; each summary conveys the terminology adopted by that state. NCAL did attempt to present a consistent level of information across states by using section descriptions (see Table 2 below). The absence of information in the report on specific requirements should not be construed as an absence of state requirements. NCAL reported “None specified” where state licensing regulations did not address a specific topic.

Table 2. Assisted Living State Legislative and Regulatory Review Report Sections	
Required Report Sections	Section Description
Licensure Term	The term the state uses as a license type (i.e., assisted living, residential care, personal care home, etc.)
Regulatory and Legislative Update	Overview of any updates, changes, status quo, of licensure and/or any regulatory changes and how it pertains to each states regulatory review
Definition	Definition of assisted living or appropriate state-specific licensure term
Move-in Requirements Including Required Disclosures/Notifications	Overview of any move-in requirements and any required disclosures or notifications that must be given to assisted living facility residents/families

Facility Scope of Care	Overview of service(s) a licensed provider can provide in an assisted living facility
Limitation of Services	Overview of service(s) that a licensed provider cannot provide to an assisted living facility resident
Resident Assessment Requirements and Frequency	Overview of any assessment requirements and assessment frequency
Medication Management	Overview of any medication management requirements
Life Safety	Overview of any life safety codes requirements
Staffing Requirements	Overview of any staffing requirements for direct care staff, licensed staff, or administrative staff
Administrator/Director Education and Training Requirements	Overview of any Administrator and/or Director education and training requirements
Direct Care Staff Education and Training Requirements	Overview of any direct care staff education or training requirements
Quality Requirements	Overview of any quality measurement, data collection, or quality management program requirements
Infection Control Requirements	Overview of any infection control requirements
Emergency Preparedness	Overview of any emergency preparedness requirements
Medicaid Policy and Reimbursement	Overview state coverage of assisted living services via Medicaid waivers and any misc. information on the program, if applicable
Citations	List of reference links

The information in this report is not intended as legal advice and should not be used as or relied upon as legal advice. The report is for general informational purposes only and should not substitute for legal advice. This report summarizes key selected state requirements for assisted living licensure or certification and, as such, does not include the entirety of licensure requirements for assisted living and residential care communities.

We are sincerely grateful to state agency officials and NCAL state affiliates who provided information for this report and reviewed its contents.

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