**Assisted Living Residences (ALR) Commission**

Meeting Minutes

February 26, 2025

10:00 am - 11:30 am

Date of meeting: Wednesday, February 26, 2025

Start time: 10:00 am

End time: 11:30 am

Location: Virtual Meeting (Zoom)

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| **Votes** | **Members** | **Present** | **Vote 1\*** |
| **1** | **Secretary Robin Lipson** – Secretary, Executive Office of Aging & Independence (AGE) *(Chair)* | X | X |
| **2** | **Dr. Jessica Zeidman** – Deputy Commissioner/Chief Medical Officer, Department of Public Health | X | X |
| **3** | **Pavel Terpelets** – Director of Institutional Programs, Office of Long-Term Services and Supports (OLTSS), MassHealth | - | - |
| **4** | **Carolyn Fenn** – State Ombudsman and Director of the Long-Term Care Ombudsman Program, EOHHS | X | X |
| **5** | **Representative Thomas Stanley** – State Legislator, Mass. House of Representatives | X | - |
| **6** | **Senator Patricia Jehlen** – State Legislator, Mass. Senate | X | - |
| **7** | **Senator Mark Montigny** – State Legislator, Mass. Senate | X | X |
| **8** | **Matt Salmon** – CEO, Salmon Health and Retirement | X | X |
| **9** | **Tara Gregorio** – President, Massachusetts Senior Care Association (MSCA) | X | - |
| **10** | **Mathew Muratore** – Appointee of the House Minority Leader | X | X |
| **11** | **TBD** | - | - |
| **12** | **TBD** | - | - |
| **13** | **TBD** | - | - |
| **14** | **Liane Zeitz** – Owner, Law Office of Liane Zeitz, the representative of the Massachusetts chapter of the National Academy of Elder Law Attorneys | X | X |
| **15** | **Elissa Sherman,** President of LeadingAge Massachusetts, Inc. | X | X |
| **16** | **Brian Doherty,** President & CEO of Massachusetts Assisted Living Association, Inc. (Mass-ALA) | X | X |
| **17** | **Jennifer Benson** – State Director of AARP Massachusetts | X | X |
| **18** | **Katherine Ladetto** – Assistant Professor, School of Nursing, Simmons University, the representative of the New England chapter of the Gerontological Advanced Practice Nurses Association | X | X |
| **19** | **Lainey Titus Samant** – Senior Advocacy Manager, Alzheimer’s Association, MA/NH Chapter | X | X |
| **20** | **Dr. Jennifer Maynard** –Executive Director, Massachusetts Program of All-Inclusive Care for the Elderly (Mass. PACE) | X | X |
| **21** | **Lindsay Mitnik** –Staff Attorney, Elder Law- Greater Boston Legal Services | X | X |

**\*** (X) Voted in favor; (O) Opposed; (A) Abstained from vote; (-) Absent from meeting or during vote

**Proceedings**

Secretary Robin Lipson welcomed members to the first meeting of the Assisted Living Residences (ALR) Commission, which is required by the long-term care bill which recently became law in Massachusetts. She then introduced herself and stated that she is the Secretary of the newly renamed Executive Office of Aging & Independence (AGE), which was formerly known as the Executive Office of Elder Affairs. Secretary Lipson mentioned that she would be chairing the Assisted Living Residences Commission pursuant to the statute.

Gabriel Cohen, Program Manager with EOHHS, administered the oath of office to Commission members. Sreya Sudireddy, from EOHHS, served as the witness. Mr. Cohen and Ms. Sudireddy are both Commissioners to Qualify Public Officers. They are authorized to administer the oath of offices for the Commonwealth. Mr. Cohen noted that Bill Travascio will distribute the Form O document. He asked that the Commission members sign and return the Form O document to Mr. Travascio. Mr. Cohen and Ms. Sudireddy will countersign and make sure that the documents get submitted.

Lauren Cleary, Associate General Counsel with EOHHS, provided a brief overview of the Open Meeting Law (OML). The OML is about transparency and that the public has access to this Commission’s decision-making. The OML is administered and enforced by the Attorney General’s Office. Commission members have received guidance on the OML and OML regulations. She asked that after Commission members review the guidance documents and that they sign the document confirming they have reviewed and received the OML materials. Ms. Cleary asked that Commission members return this receipt document within two weeks. As a public body, this ALR Commission is subject to the OML. The Commission must post public notice and hold meetings that are open to the public anytime a quorum of this body, which is a simple majority, is communicating opinions, views, or deliberating about any matter within the Commission’s jurisdiction. She added that for this Commission, a quorum would be eleven (11) members. Subcommittees are also subject to the OML. Emails, letters, memos, and anything you create or receive in the context of this Commission is considered a public record. She is happy to answer any questions that the Commission may have.

David Giannotti, Public Education and Communications Division Chief with the State Ethics Commission, provided the Commission with a brief overview of the Commonwealth’s conflict-of-interest law. All state employees, including members of boards and commissions, are required to comply with conflict-of-interest law rules. Those rules are in place to promote confidence in the government by requiring that all public employees act in the public interest. Conflicts of interest can undermine confidence in government. The State Ethics Commission is a resource for the ALR Commission. The State Ethics Commission can provide free confidential legal advice. The conflict-of-interest law can impose significant restrictions on what you can do. One of the roles of the State Ethics Commission is to administer and enforce the conflict-of-interest law. The five-member body at the State Ethics Commission can impose civil penalties for significant violations of the conflict-of-interest law.

Mr. Giannotti noted that the State Ethics Commission does not provide third-party advice or give advice about past conduct. Conflicts of interest happen every day in government--and they are not to be feared, but they are to be managed. You need to be aware of when your public responsibilities and private interests intersect. If a situation comes up, it is best to call the State Ethics Commission. The conflict-of-interest law imposes restrictions on whether public employees can accept gifts. If the gift involves a quid quo pro, you cannot accept the gift. The law restricts gifts worth $50 or more because it is possible that the public employee could be improperly influenced by the acceptance of the gift. If the gift is given to you by someone with who you have official dealings with as a Commission member or if the gift is given to you because of who you are as a public employee, that is prohibited.

The conflict-of-interest law also contains nepotism provisions. You can’t take actions as a public employee if your own financial interests are going to be affected by what you do. You can’t hire family members for public jobs and you can’t contract with companies owned by certain family members.

The law also includes code-of-conduct provisions, which include appearances of conflict of interest. It is merely a circumstance where you are poised to perform your duties yet what you will do will affect some part of your private life. The public will look at that circumstance with concern. Whenever an appearance of conflict of interest presents itself, a written disclosure is required to ensure transparency. You also cannot use your public position to secure unwarranted benefits. If the Commission receives or learns about confidential information, you must maintain the confidentiality of that information. State employee have a duty of loyalty to the state. In your off-the-job capacity, you cannot represent third-party interests before any state agency that would compromise the duty of loyalty that the law imposes on you. However, there is flexibility for members of boards and commissions. As a member of the Commission, you are a special state employee. As a special state employee, you are prohibited from representing any third-party interest before the Commission. You can otherwise continue to represent business interests before any other state agency as long as the Commission is not involved.

The law prohibits hidden sidetrack situations—these are circumstances where a state employee could use their position, contacts, or influence to gain additional opportunities from public compensation for themselves or those that they are connected to. The conflict-of-interest law applies, but you don’t have to be an expert on the law. You just need to know that the State Ethics Commission is here to provide you with the information you need. There are educational requirements that Commission members will have to complete.

Secretary Lipson acknowledged that a handful of people, including Tara Gregorio from Massachusetts Senior Care Association, had to leave the meeting to go to another commission meeting required by the very same law. The other commission concerns transitioning individuals from acute care to post-acute care. Secretary Lipson apologized for the conflict.

Secretary Lipson went over what the Legislature has asked this Commission to address. The Legislature has asked the Commission to study and recommend policies to ensure assisted living residences adequately meet the health and safety needs of residents. The Legislature asked the Commission to look at ten items: (i) the current statutory and regulatory oversight of assisted living residences; (ii) assisted living best practices in other states; (iii) the impacts of licensing or certifying such residences; (iv) advertising practices of assisted living residences to potential residents and their families; (v) regulatory procedures for opening, closing or changing ownership of a residence, including determination of need processes and clustering of facilities; (vi) trends in incident reports made to the Executive Office of Aging & Independence and the Long Term Care Ombudsman’s office and resolutions of such incidents; (vii) methods to provide transparency of information for potential consumers and family members researching and comparing residences; (viii) safety standards; (ix) existing consumer protections for residents in statutes and regulations; and (x) basic health services in residences. She noted a report must be filed to the Legislature by August 1st. She also noted that a public hearing needs to be held.

Secretary Lipson introduced Patricia (Trisha) Marchetti, the Director of the Assisted Living Compliance Unit at the Executive Office of Aging & Independence. Ms. Marchetti referenced a PowerPoint deck during her presentation. ([download](https://www.mass.gov/doc/assisted-living-residences-alr-commission-meeting-022625-presentation/download)) Ms. Marchetti went through the history of the assisted living regulations. She noted that assisted livings will now be able to provide Basic Health Services to Residents. Residences will need to be certified by Aging & Independence to provide Basic Health Services to Residents. She noted that there are now whistleblower protections and greater transparency.

Ms. Marchetti added that Assisted Living is a housing option for adults who need help with activities of daily living and want the security of having assistance available on a 24-hour basis in a home-like and non-institutional environment. She stated that approximately 90% of assisted living residents in Massachusetts pay privately. She noted that fees are not regulated by the state. ALRs have the discretion in whether they accept residents who use public subsidies. Ms. Marchetti noted that the role of her unit is to ensure that ALRs maintain high standards and operate within the regulatory framework outlined in 651 CMR 12.00. ALRs cannot operate without a certification from the Executive Office of Aging & Independence. ALR Certifications expire after two years and certification renewals require updated operational plans, compliance documentation, and resident satisfaction surveys. In the future, ALRs providing Basic Health Services will be certified annually.

Ms. Marchetti mentioned the long-term ombudsman program which works to resolve problems related to the health, welfare and rights of individuals living in nursing homes, rest homes, and ALRs. She mentioned that AGE may impose fines pursuant to An Act to Improve Quality and Oversight of Long-Term Care. Roughly 80% of Massachusetts ALRs are for-profit organizations. There are 273 certified ALRs. 169 ALRs offer traditional and special care residences. 69 ALRs have only traditional units. 35 have only special care units. There are 19,310 certified units—13,924 units are traditional units and 5,386 units are special care units. The total number of ALR Residents is 17,388 Residents, consisting of 12,149 traditional Residents and 5,239 Special Care Residents. ALRs are located throughout the state and vary in size, cost, and amenities.

Senator Mark Montigny expressed that he was grateful people were taking this Commission seriously. He stated that he was deeply concerned that although the industry has been around a long time, we as a state have shirked our responsibilities to properly regulate the industry. ALRs are expensive and not affordable to many individuals. He believes we need far more consumer protection legislation. He wanted to make sure his intent was clear when he was drafting the legislation creating the Commission. He believes that the state is underregulating in certain areas, such as nursing home care and down the continuum.

Secretary Lipson mentioned that the Attorney General’s Office is writing consumer protection regulations for ALRs. The Commission should think about whether we would like them to come a future meeting and share what they are thinking.

Secretary Lipson noted that Senator Patricia Jehlen and Representative Thomas Stanley had to go to other meetings. Mathew Muratore noted that this is such an important Commission. He asked about how the agency is going to handle skilled nursing services which are required to end on March 31st if the new Basic Health Services regulations are not in place by then. Secretary Lipson noted there is a small number of residences providing skilled nursing services, and we will come up with a solve to make sure no one is stuck in a suspended place of motion.

Vicki Halal from Senator Jehlen’s office spoke and stated that Senator Jehlen is looking forward to having an open conversation about what is needed here, clarifying the intent of the new legislation, and what is needed for regulations.

Katherine Ladetto introduced herself. She is an adult gerontological nurse practitioner. She is here representing the New England Gerontological Advanced Practice Nurses Association. She has been working in long-term care for about the past 15 years, specifically in ALRs, independent living, and retirement homes. She noted that she has a whole lot to say about this topic. Her research is in workforce issues. She is here to support older adults’ healthcare.

Liane Zeitz introduced herself. She is an elder law attorney who has been practicing in elder law for almost the past 40 years. She represents MassNAELA (the Massachusetts chapter of the National Academy of Elder Law Attorneys). MassNAELA has supported the existence of this Commission. She feels passionately about this issue. She believes ALRs are a vital part of the continuum of care. She is concerned about the need for more regulation and oversight as memory care units look very much like what is provided in nursing homes for people who have memory care issues without the corresponding regulations. She sees the complaints that come in. She sees issues in terms of people being charged more for services when they didn’t expect it. For people who are low income, it is difficult using any of the subsidy programs. She has seen issues with admission and representations made by marketing staff at ALRs that don’t follow through.

Dr. Jessica Zeidman introduced herself. She is a practicing primary care doctor and general internist at a community health center in Chelsea. She is also the Chief Medical Officer, Deputy Commissioner for the Department of Public Health. She oversees the Bureau of Healthcare Safety & Quality. The questions this Commission are exploring are deeply connected to the continuum of care. It is important to build systems that allow ALRs to safely provide an increasing array of health care services that are common sense and person-centered. It is very exciting to be partnering with you all to help inform the systems that get built to be able to do this safely. She noted that affordability and accessibility of ALRs is also critical.

Brain Doherty introduced himself. He is the President and CEO of the Massachusetts Assisted Living Association (MassALA). The updates over the years such as Self-Administered Medication Management, Limited Medication Administration, Special Care regulations, and Basic Health Services regulations have been some of updates to ALRs that MassALA has advocated for. MassALA is participating in this Commission keeping in mind what is working well in the current regulations that has made ALRs so popular. The number of ALRs has been growing and the number of residents being served across the state has been growing. Massachusetts has this flexibility where unlike the rigid structure of skilled nursing facilities, we allow in the regulations in Massachusetts that there can be many different acuity and income levels that people can access ALRs. The resistance that policymakers have had to attempts to make all ALR communities more similar and have requirements that not every resident needs is what allows folks to go visit multiple ALRs in their region and to have different price points, different care levels--memory care if they need it. We are delighted to serve on the Commission and look forward to working with you all.

Lainey Titus Samantof the Alzheimer’s Association notes that 40% of Residents have Alzheimer’s or dementia, which is why she is grateful to be included on the Commission. There could also be many more residents with cognitive impairments. We want to represent the needs of those residents. The Alzheimer’s Association also has policy staff in all 50 states. Another piece the Alzheimer’s Association could be helpful with is looking at what some of the best practices are in other states—whether that is in regard to cognitive impairment or just in general for ALRs. We look forward to helping.

Elissa Sherman introduced herself. She is the President of Leading Age Massachusetts. Assisted living is a critical component of that overall care continuum and housing options. She has been with the association for 27 years. Before that, she worked in the Legislature when the Assisted Living statute was passed. She then worked at the Executive Office of Elder Affairs and worked on the regulations. She mentioned that she was able to understand that ALRs were created to be different than nursing homes. ALRs maintain residential environments where older adults can receive services. LeadingAge MA’s interest is in making sure that ALRs continue to provide high quality residential environments to residents and that individuals are choosing these environments. The association is working to do everything it can to ensure that ALRs remain obtainable and affordable for people. We know unfortunately that ALRs are unaffordable for many. She is looking forward to the work ahead.

Secretary Lipson noted the next meeting is next week on March 5th at 10am, also on Zoom. Mr. Travascio will send around a list of the dates regarding when the Commission is meeting. She noted that the Commission will have two meetings in April, a meeting in May, a meeting in June, and a meeting in July. The meetings will all be held online. She mentioned that the statute requires a hearing and that May 15th in the afternoon is being held as a possible option. Secretary Lipson mentioned Bill Travascio as the Special Assistant, Patrick Sullivan as an attorney who works on ALR matters, Carolyn Fenn as the Long-Term Care Ombudsman--who is independent in all respects, and Jen DeSimone as the Chief of Staff of Aging & Independence

**Vote I to adjourn the meeting**: Mr. Travascio asked for a motion to adjourn the meeting. The motion was made by Matt Salmon, seconded by Mr. Muratore, and approved by roll call vote (see detailed record of votes above).

The meeting was adjourned at 11:30 am.

**Meeting Materials**

1. Assisted Living Residences Unit presentation
2. Open Meeting Law guide
3. Certificate of Receipt of OML Materials
4. State Ethics Commission handout
5. Form O document